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**Fourth Report submitted by Switzerland pursuant to Article 25,  
paragraph 2 of the Framework Convention for the Protection of  
National Minorities - received on 15 February 2017**



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

**Le Conseil fédéral**

**The Swiss Government's Fourth Report  
on implementation of the Council of Europe Framework  
Convention for the Protection of National Minorities**

February 2017

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## INTRODUCTION

### A. General remarks

1. A country with a linguistically, culturally and religiously diverse population, Switzerland is committed to providing persons belonging to national minorities with living conditions that respect their fundamental rights. Enabling such persons to exercise their rights is a reflection of the importance which Switzerland has traditionally attached to protecting human rights.

2. Switzerland ratified the Council of Europe Framework Convention for the Protection of National Minorities (hereafter the “Framework Convention”) on 21 October 1998. The Framework Convention entered into force with respect to Switzerland on 1 February 1999.

At the time of ratification, the following were recognised as Swiss national minorities:

- *national linguistic minorities;*
- *Swiss “Travellers”;*
- *members of Switzerland’s Jewish communities.*

On 16 May 2001, Switzerland delivered its first State Report on implementation of the Framework Convention. The first monitoring cycle was concluded with the Committee of Ministers Resolution of 10 December 2003 [ResCMN(2003)13]. On 31 January 2007, Switzerland delivered its second State Report. The second monitoring cycle was concluded with the Committee of Ministers Resolution of 19 November 2008 [ResCMN(2008)10]. On 26 January 2012, Switzerland delivered its third State Report; the third monitoring cycle was concluded with the Committee of Ministers Resolution of 28 May 2014 [ResCMN(2014)6].

3. Switzerland’s **fourth State Report** is presented below. It has been drawn up in accordance with the “Outline for state reports to be submitted under the fourth monitoring cycle” adopted by the Committee of Ministers on 30 April 2013. It focuses on measures already taken or being considered to address issues and problems identified during the third monitoring cycle. Switzerland was not asked to reply to a specific questionnaire in connection with its fourth report.

4. This report has been compiled by the Federal Department of Foreign Affairs (DFAE), as the department responsible for co-ordinating implementation of the Framework Convention within the Swiss federal administration. The DFAE consulted the various other federal departments concerned and co-ordinated their contributions, as follows: Federal Department of Home Affairs (DFI); Federal Department of Justice and Police (DFJP); Federal Department of Economic Affairs,

Education and Research (DEFER); Federal Department of Finance (DFF); Federal Department of the Environment, Transport, Energy and Communication (DETEC); Federal Department of Defence, Protection of the Population and Sport (DDPS). The following bodies were also consulted: the Federal Chancellery (ChF) and the Federal Commission against Racism (CFR), an independent extraparliamentary commission attached to the DFI.

5. The 26 cantons were consulted individually on the draft report and invited to submit their observations and contributions. A number of specialist intercantonal conferences<sup>1</sup> were also consulted.

Municipalities and towns were likewise consulted through the Association of Swiss Municipalities (ACS) and Union of Swiss Towns (UVS).

6. The Swiss Yenish and Sinti/Manouches,<sup>2</sup> who are recognised as a national minority within the meaning of the Framework Convention,<sup>3</sup> were consulted during the drafting process through the “A Future for Swiss Travellers” foundation, the association “Radgenossenschaft der Landstrasse”, the “Mouvement des Voyageurs Suisses”, the associations “Yenisch Suisse”, “Citoyens Nomades”, “Schäft Qwant”, the organisation “Cooperation Jenische Kultur”, the “Naschet Jenische” foundation, the association “Sinti-Manouches Suisse”, the co-operative “Fahrendes Zigeunerkulturzentrum”, the association “Jenisch-Manouche-Sinti” (JMS) and the “Mission tsigane” (“Mission évangélique tsigane suisse - Vie et Lumière”).

The associations “Mouvement des Voyageurs Suisses”, “Citoyens Nomades” et “Yenisch Suisse” presented their views in a joint position paper through the “Union Européenne Yéniche” (“European Yenish Union”).

7. The Swiss Roma<sup>4</sup> were consulted via organisations known to the Confederation, namely the “Roma Foundation”, the association “Romano Dialog” and the organisation “RJS Art Kollektiv”.

The new “Association Suisse des Sinti et Roma”/“Verband Sinti und Roma Schweiz” (VSRS) (“Swiss Association of Sinti and Roma”) established in February 2016 and

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<sup>1</sup> Swiss Conference of Cantonal Ministers of Education (EDK); Swiss Conference of Public Works, Spatial Planning and Environment Ministers (DTAP); Conference of Directors of Cantonal Justice and Police Departments (CCDJP); Conference of Cantonal Directors of Social Affairs (CDAS).

<sup>2</sup> With the exception of earlier texts and other sources cited, this report uses the term “Sinti/Manouches” in order to accommodate the different views on the subject. Firstly, the “Roma Foundation” considers that Manouches are a separate group from the Sinti. Secondly, for the “Mission tsigane”, “Swiss Sinti-Manouches” and the “Swiss Association of Sinti and Roma”, the two terms “Sinti” and “Manouches” refer to the same groups, and it is merely a case of the different linguistic regions using different terms.

<sup>3</sup> See Part Three, under Article 3, section A.

<sup>4</sup> See Part Three, under Article 3, section B.

whose primary aim is to preserve the culture and way of life of nomadic Roma and Sinti from Switzerland and beyond,<sup>5</sup> was also consulted.

The “Roma Foundation”, “RJS Art Kollektiv”, “Association Suisse des Sinti et Roma” and “Verein Roma Visionen RV” presented their views in a joint position paper.

8. The Jewish community, which is recognised as a national minority within the meaning of the Framework Convention, was consulted during the drafting process through the “Swiss Federation of Jewish Communities” (FSCI), the “Platform of Liberal Jews in Switzerland” (PJLS) and the “Inter-Community Co-ordination Forum Against Anti-Semitism and Defamation” (CICAD).

9. The national linguistic minorities, which are recognised as national minorities within the meaning of the Framework Convention, were consulted through “Lia Rumantscha”, “Pro Grigioni Italiano Pgi”, the “Helvetia Latina” association and the “Forum du bilinguisme” (“Forum for Bilingualism”) foundation.

10. The following NGOs actively involved in protecting human rights and the rights of minorities, and combating racism and anti-Semitism, were consulted during the drafting process: the association humanrights.ch, Amnesty International Switzerland, the Swiss branch of the “Society for Threatened Peoples”, the “Society for Minorities in Switzerland”, the “Foundation Against Racism and Anti-Semitism” (GRA) and the International League against Racism and Anti-Semitism (LICRA-Suisse).

11. This report has been drafted and translated into the four official national languages of Switzerland (French, German, Italian and Romansh).

Members of the public will be able to access the report in the national languages of Switzerland on the section of the Council of Europe’s website dedicated to national minorities,<sup>6</sup> and on the website of the Directorate of Public International Law (DDIP) of the Federal Department of Foreign Affairs (DFAE).<sup>7</sup>

**B.** Latest relevant statistical data on linguistic and religious national minorities

12. **The annual structural survey of the federal population census** provides, inter alia, information about the population according to language and religion.

As regards language, the survey asks the following questions:

- *What is your main language, in other words the language you think in and know best?* Respondents may indicate several main languages. Up to three main languages are taken into account per person.

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<sup>5</sup> According to an excerpt from the Trade Register:

<https://www.moneyhouse.ch/en/company/verband-sinti-und-roma-schweiz-vsrs-13578214791>

<sup>6</sup> <http://www.coe.int/en/web/minorities/country-specific-monitoring-2016#Switzerland>

<sup>7</sup> <https://www.eda.admin.ch/eda/en/home/foreign-policy/international-law/un-human-rights-treaties/rahmenuebereinkommen-europarat-schutz-nationaler-minderheiten.html>



- Which language/s do you normally speak at home or with your family and friends? Several answers are possible.
- Which language/s do you normally speak at work or at your place of education or training? Several answers are possible.

**13. The structural survey for the 2014 federal population census:<sup>8</sup> population by language and religion** (published on 28.01.2016) produced the following data and indicators for language:

Permanent resident population, by main language, 1970-2014:

	1970	1980	1990	2000	2014 (1)
Permanent resident population	6 011 469	6 160 950	6 640 937	7 100 302	8 041 310
German/Swiss-German	66.1	65.5	64.6	64.1	63.3
French	18.4	18.6	19.5	20.4	22.7
Italian	11.0	9.6	7.7	6.5	8.1
Romansh	0.8	0.8	0.6	0.5	0.5
Other languages	3.7	5.5	7.7	8.5	20.9

1) As of 2010, the data are derived from a sample survey. The confidence interval in all cases is less than +/- 0.2%.

Sources: Federal Statistical Office, 1970-2000: RFP; 2014: RS

*Comment:*

Between 1970 and 2014, the share of German, Italian and Romansh as main language(s) declined slightly, from 66% to 63% for German, from 11% to 8% for Italian, and from 1% to 0.5% for Romansh. The share of respondents who gave French as their main language rose, however, from 18% to 23%, as did the share of those who indicated a non-national language (from 4% to 21%). This last increase is partly due to the fact that, as of 2010, respondents are permitted to indicate more than one main language.

English and Portuguese are the two non-national languages most commonly cited. In 2014, 4.6% and 3.6%, respectively, of the permanent resident population listed these as a main language. They were followed by Albanian, 3%, Serbo-Croat, 2.5%, and Spanish, 2.2%. The shares of these languages as the language normally spoken at home or at work<sup>9</sup> are similar, except for Spanish, which comes after Portuguese as a working language.

Permanent resident population according to district and main languages; excerpt showing districts of the **canton of Graubünden** for the period 2010-2014:

<sup>8</sup> The data from the 2015 structural survey are appended to this report, but without comments given that they were published only very recently, on 31 January 2017.

<sup>9</sup> Information about the languages normally spoken at home and at work/in education is only available for the population aged 15 years and above.

	German		French		Italian		Romansh		Other languages	
	Share in %	Confidence interval in %	Share in %	Confidence interval in %	Share in %	Confidence interval in %	Share in %	Confidence interval in %	Share in %	Confidence interval in %
Bezirk Albula	76.3	2.5	(1.6)	(0.8)	6.6	1.5	26.8	2.6	12.7	2.1
Distretto di Bernina	15.4	2.7	(1.4)	(0.9)	92.5	2.0	(1.2)	(0.8)	(4.7)	(1.7)
Bezirk Hinterrhein	89.2	1.6	(0.8)	(0.4)	4.0	1.0	7.8	1.3	12.4	1.7
Bezirk Imboden	87.1	1.3	(1.1)	(0.4)	5.4	0.9	10.1	1.2	14.2	1.4
Bezirk Inn	54.7	2.7	(1.7)	(0.7)	6.5	1.4	57.4	2.7	10.9	1.8
Bezirk Landquart	92.3	1.0	(0.8)	(0.3)	3.6	0.6	3.7	0.6	10.9	1.1
Bezirk Maloja / Distretto di Maloggia	65.0	1.9	3.0	0.7	27.2	1.7	14.9	1.4	18.1	1.6
Distretto di Moesa	10.4	1.8	(3.6)	(1.1)	88.4	2.0	0.3	0.3	12.6	2.1
Bezirk Plessur	86.5	0.9	1.5	0.3	6.1	0.6	6.2	0.6	16.2	1.0
Bezirk Prättigau-Davos	90.1	1.0	(1.3)	(0.4)	3.1	0.6	1.5	0.4	13.4	1.2
Bezirk Surselva	55.4	1.8	(1.0)	(0.4)	2.7	0.6	57.7	1.8	8.4	1.1

( ): Extrapolation based on 49 observations or fewer. The results are to be interpreted with a great deal of caution.

Source: Federal Statistical Office, RS cumulative data 2010-2014

Comment:

The information given in this report is derived from a sample survey of only one segment of the permanent resident population living in a private household. Consequently, there is a degree of uncertainty surrounding the figures, which it is possible to quantify by calculating a confidence interval, (the more imprecise the results, the higher the confidence interval). To reduce these inaccuracies, and so that small-scale data can be used, for example data for the canton of Graubünden, data from the 2010, 2011, 2012, 2013 and 2014 surveys have been combined. For greater readability, the confidence interval (95%) is not specified in the text.

**14. The structural survey for the 2014 federal population census:<sup>10</sup> population by language and religion** (published 28.01.2016) produced the following data and indicators for religion:

<sup>10</sup> See footnote 8 above regarding data from the **2015** structural survey.

Permanent resident population aged 15 years and above, by religion, 1970-2014:

	1970	1980	1990	2000	2014 (1)
Permanent resident population aged 15 years and above	4 575 416	4 950 821	5 495 018	5 868 572	6 829 610
Evangelical Reformed (Protestant)	48.8	45.3	39.6	33.9	25.5
Roman Catholic	46.7	46.2	46.2	42.3	37.9
Other Christian communities	2.0	2.2	3.4	4.3	5.7
Jewish communities	0.4	0.3	0.2	0.2	0.2
Muslim communities	0.2	0.7	1.6	3.6	5.1
Other churches and religious communities	0.1	0.2	0.3	0.7	1.3
No religion	1.2	3.9	7.5	11.4	23.0
Unspecified	0.4	1.2	1.1	3.6	1.2

1) As of 2010, the data are derived from a sample survey. In all cases, the confidence interval is +/- 0.2%.

*Comment:*

The data on religion refer to the permanent resident population aged 15 years and above living in a private household. Between 2000 and 2012-2014, the share of Roman Catholics and Evangelical Reformed fell slightly (by 4.3% and 7.7% respectively), in contrast to the share of Muslims (+ 1.4 point). The share of Jewish communities was virtually unchanged, whereas the share of people who have no religion rose by 11%.

The religious communities differ from each other in terms of various demographic aspects, including notably their age structure and migration component. The arrival of Spanish and Portuguese nationals in particular, since the 1990s, has limited the decline in the number of Roman Catholics. Protestants have not benefited in the same way from migration and tend to be older. It is the Muslim communities that have the biggest share of both first-generation (80%) and second-generation migrants (14%). Within the Muslim communities, 31% are Swiss citizens from a migrant background, and 60% are first-generation migrants. Following the arrival of Turkish nationals (particularly after the 1981 coup d'état), the Muslim communities swelled further as a result of migrants leaving the Balkans during and after the war in the former Yugoslavia in the 1990s, and are thus the youngest of the communities. The Jewish communities are stable, with a balanced age structure. The effect of migration on the Jewish communities goes further back and is less pronounced therefore. 35% of their members are Swiss citizens without a migrant background

(compared with the average of 64% for Switzerland as a whole), 36% are Swiss citizens from a migrant background (compared with the average of 13% for Switzerland as a whole), and 26% are first-generation migrants (compared with the Swiss average of 20%).

15. **The thematic survey on “language, religion and culture” (ELRC)** was conducted for the first time in 2014 in the context of the new census system, with a view to exploring language, religion and culture in greater depth. The first findings were published for culture and religion in April 2016 and for language in October 2016.<sup>11</sup> The survey was conducted amongst a sample of 16 000 people. It will be repeated every 5 years and provides, *inter alia*, answers to the following questions:

- What percentage of Swiss people regularly speak several languages?
- How do people practise their religion? What do those who stated they had no religion believe in?
- What cultural practices are typical of the Swiss population?

These statistical data are used for monitoring developments and as input for more detailed analysis. In particular, they help shape multilingualism, integration and cultural policy in Switzerland.

As regards language, not only is Switzerland a multilingual country, but also the majority of the population regularly uses several languages. Nearly two thirds (64%) of people aged 15 years and over use more than one language at least once a week, whether within the family, at work, or for leisure purposes (friends, reading, and the media), either orally or in written form.

Romansh was the (or one of the) main language(s) for approximately 40 000 people in 2014, in other words for 0.5% of the permanent resident population aged 15 or over. In the Romansh language region, 77% of the population use a Romansh saying at least once a week. A comparison of the age structure of the Swiss population and people who regularly use Romansh shows that this last group is slightly older. The 65 to 74 age group accounts for 18% of Romansh speakers compared to 12% of the Swiss population as a whole.

Based on the number of people who sometimes or regularly use it and those who spoke it as children, Romansh speakers make up 1.5% of the population. Of these, only 55% said that they still use it. A third use it every day or nearly every day, 17% at least once a week, and 6% less than once a week. 45% never use it.

Most people who use Romansh at least once a week use other languages as well, to a much greater extent than the rest of the population residing in Switzerland.

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<sup>11</sup> See appendix: publication of 22 April 2016 on religious and spiritual practices and beliefs in Switzerland, and publication of 5 October 2016 on linguistic practices in Switzerland.  
<https://www.bfs.admin.ch/bfs/fr/home/statistiques/population/enquetes/esrk.html>

## I. PART ONE

### *Practical arrangements made at the national level for raising awareness of the results of the third monitoring cycle and of the Framework Convention*

#### A. Results of the third monitoring cycle

16. At the end of the third monitoring cycle, recommendations were addressed to Switzerland on the following topics:

##### **Issues for immediate action included:**

- *the shortage of stopping places, short-stay areas and transit sites for Travellers;<sup>12</sup>*
- *manifestations of racism and intolerance, including in political discourse and on the Internet;*
- *within the federal administration: full equality among the official languages of the Confederation; use of their own language by persons belonging to linguistic minorities; proportionate representation of linguistic minorities in administrative structures.*

The measures taken to address core issues for immediate action are set out below in Part Two of this report.

##### **Other recommendations included:**

- *improved public knowledge of the legal remedies available against discrimination;*
- *comprehensive anti-discrimination legislation and statistical data in matters of discrimination;*
- *financial aid and effective consultation mechanisms for Travellers' associations;*
- *public awareness-raising about the traditional way of life of the Travellers;<sup>13</sup>*
- *support for the media for national minorities and easier access to the media for Travellers;*

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<sup>12</sup> Council of Europe terminology.

Concerning the terminology currently used in Switzerland, see the clarification given below under Article 3, section A.

<sup>13</sup> *Ibid.*

- *difficulties encountered by Traveller children who retain an itinerant lifestyle in accessing education.*

The measures taken in response to the other recommendations are set out below in Part Three of this report.

## **B. Dissemination of the results of the third monitoring cycle**

17. The Third Opinion on Switzerland adopted in English and French by the Advisory Committee on the Framework Convention on 5 March 2013<sup>14</sup> was translated into German, Italian, and, for the first time, Romansh by the Swiss Confederation (Federal Chancellery). The same goes for the Comments of the Government of Switzerland on the Third Opinion (November 2013). All language versions of the Third Opinion and the Swiss government's Comments were sent to the Framework Convention Secretariat which published them in its database.<sup>15</sup>

These documents were published on the DFAE's official website in November 2013, as soon as the Comments had been sent to the Council of Europe authorities. All of the stakeholders, authorities, national minority organisations and NGOs were informed by letter of the publication of the Third Opinion and the Swiss government's Comments.

To enable the Swiss government to draft its Comments, as soon as Switzerland had received the Third Opinion from the Council of Europe it was circulated in English and French, in June 2013, to all the authorities concerned (i.e. the competent departments of the federal administration, the cantons, the relevant conferences of cantonal directors, the Association of Swiss Municipalities and the Union of Swiss Towns). As soon as the Opinion had been translated into the other national languages, it was also sent out to the authorities in their respective official languages.

18. The Committee of Ministers Resolution of 28 May 2014 on implementation of the Framework Convention by Switzerland was translated by the Confederation into German, Italian and Romansh. It was then published in these three languages, as well as in English and French, on the DFAE website. All of the language versions also appear in the Council of Europe database.

The federal offices concerned were notified accordingly. Similarly, all the Swiss cantons, the conferences of cantonal directors involved, the Association of Swiss Municipalities and the Union of Swiss Towns received letters in their respective official languages informing them of the Resolution and its publication on the DFAE website. They were asked to acquaint themselves with the issues of concern and issues for immediate action that fell within their remit, to forward them to the

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<sup>14</sup> Officially sent to the Swiss authorities on 17 June 2013.

<sup>15</sup> <http://www.coe.int/en/web/minorities/country-specific-monitoring-2016#Switzerland>

departments and organisations directly concerned, and to make them aware of the said issues. Their attention was drawn in particular to the *“severe shortage of stopping places and transit sites for Travellers”* noted by the Committee of Ministers and the Advisory Committee’s call on the Swiss authorities at all levels to intensify their efforts to remedy the situation as soon as possible. It was also pointed out in particular that the Committee of Ministers invited the Swiss authorities to *“continue and intensify the measures taken to remedy the difficulties encountered by Traveller children who retain an itinerant lifestyle in accessing education.”*

At the same time, national minority organisations and NGOs received the text of the Resolution in their working language, along with information regarding its publication on the DFAE website and dissemination among the authorities concerned.

### C. Follow-up activities

19. On 9 December 2013 there was a symposium on minority languages in Switzerland organised by the DFAE and DFI in Bern. It focused on the challenges of language learning in Switzerland, with round tables on the following topics: *“Rumantsch grischun in schools: a success or outdated model?”*; *“Italian language teaching in Switzerland: the poor relation?”*; *“French and German language teaching: how to improve understanding on either side of the Sarine?”*.

The international legal framework was also discussed, and the symposium was attended by experts from the Framework Convention Advisory Committee, who gave presentations on national linguistic minorities in Switzerland and good practices with respect to linguistic and educational rights. The symposium counted as follow-up to the results of the third monitoring cycle.

During the symposium, the Swiss expert for the European Charter for Regional or Minority Languages also reported on the situation of minority languages in Switzerland in relation to the Charter. In the context of the OSCE, the High Commissioner on National Minorities outlined the OSCE’s approach to linguistic rights.

20. On 27 March 2015, at a colloquy held at the University of Fribourg to mark the publication of a German-language Commentary on the Framework Convention for the Protection of National Minorities<sup>16</sup> (see also section E below. *“Measures to raise awareness of the Framework Convention”*), the Public International Law Directorate of the DFAE took part in a round table discussion on the *“Protecting national minorities in Switzerland – implementation of the Framework Convention by Switzerland”*, during which it described the situation as regards the various national minorities recognised in Switzerland, and in particular the difficulties encountered by the Swiss Yenish and Sinti/Manouches who retain an itinerant lifestyle. The experts for Switzerland on the Framework Convention’s Advisory Committee and the

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<sup>16</sup> *“Rahmenübereinkommen zum Schutz nationaler Minderheiten, Handkommentar”*, Nomos 2015.

Committee of the European Charter for Regional and Minority Languages also attended the colloquy.

21. On 1 December 2015, a symposium on the Jewish minority in Switzerland<sup>17</sup> was held by the DFAE and DFI in Bern. The Council of Europe supported the event with a grant and presentations given by the Head of the Anti-discrimination and Social Cohesion Department of the Directorate of Human Dignity and Equality and the expert for Switzerland on the Framework Convention Advisory Committee, who has studied the situation of the Jewish minority since the adoption of the Third Opinion by the Advisory Committee. The event counted as follow-up to the results of the third monitoring cycle.

**D. Participation of national minority organisations and non-governmental organisations**

22. As mentioned above (Introduction, section A), associations representing the various national minorities officially recognised by Switzerland, organisations representing Swiss Roma and NGOs working to protect human rights and minorities were consulted and given an opportunity to contribute to this report.

23. Representatives of the national linguistic minorities in Switzerland and various organisations active in the field of languages were invited to attend the symposium on minority languages in Switzerland which took place on 9 December 2013 (see section C above). Several of them took part in the various round table discussions on language teaching in Switzerland.

24. The symposium on the situation of the Jewish minority in Switzerland held on 1 December 2015 (see section C above) was organised in association with the “Swiss Federation of Jewish Communities” (FSCI) and the “Platform of Liberal Jews in Switzerland” (PJLS). Representatives of the various Jewish communities, civil society, and NGOs active in the fight against racism and anti-Semitism were invited to take part. The opening speech was given by the President of the FSCI, and members of Jewish communities took part in two round table sessions<sup>18</sup> on the current needs and concerns of the Jewish minority in Switzerland. The president of CICAD also made a statement on anti-Semitism in French-speaking Switzerland.

25. In early 2015, a working group was set up by the Federal Council under the direction of the DFI’s Federal Office of Culture on “improving conditions for the nomadic way of life and promoting the culture of the Yenish, Sinti and Roma in Switzerland”.<sup>19</sup> By June 2016 the group had met 10 times. It was set up in response to a series of moves in Parliament, including the Trede motion 14.3343 and

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<sup>17</sup> See, for example, Part Two, section B.1.a below.

<sup>18</sup> “The Jewish community as a national minority and integral part of Swiss society: challenges and opportunities, particularly in schools” and “What duties does the State have in the face of anti-Semitic acts?”

<sup>19</sup> In this title given to the working group by the Federal Office of Culture, “Sinti” encompasses the French term “Manouches” used by persons belonging to this group in Switzerland.



Semadeni motion 14.3370 tabled in May 2014 and requesting that the Federal Council establish a working group tasked with *“implementing the obligations laid down in the Framework Convention for the Protection of National Minorities”*. All the known associations and organisations of Yenish and Sinti/Manouches as well as a number of Roma organisations<sup>20</sup> took part in the working group alongside representatives of the federal government, cantons and municipalities. Although not recognised as a national minority within the meaning of the Framework Convention, Swiss Roma were also involved in this process after a request from them was passed on by civil society. Some NGOs, such as the “Society for Threatened Peoples” and Caritas, have on occasion also been involved. In the context of the working group, the various organisations had an opportunity to express their needs, wishes and standpoints. A joint list of proposed measures was discussed and used as a basis for the ongoing process of drafting an **Action Plan for the Confederation**, under the leadership of the DFI, for measures that fall within the remit of the Confederation. The fields already identified as requiring action include: sites; education and training; culture and identity; and social matters. In a decision of 21 December 2016, the Federal Council took note of the **interim results of work on the Action Plan**, confirmed the main thrust of the work in progress, and instructed the DFI to continue consulting the specialist intercantonal conferences with a view to establishing rules governing co-operation between the Confederation and cantons with respect to sites, education and training, and social matters. Since these three key fields are essentially the responsibility of the cantons, the Confederation’s room for manoeuvre is limited. Achieving tangible results requires co-operation between the Confederation and the cantons, therefore. As regards the creation of stopping places, transit sites and short-stay areas, clarification is needed as to how the tasks are split between the Confederation and the cantons. It will also be necessary to devise a blueprint in accordance with Article 13 of the Federal Law on Spatial Planning (LAT). In the areas of education and training and social matters, measures are needed to ensure the cantons set up information services or specialist services capable of answering practical questions about the itinerant way of life. It would also be good if the cantons could develop distance-learning opportunities. Only once these consultations with the specialist intercantonal conferences have taken place can the Action Plan for the Confederation be finalised.

26. Every year,<sup>21</sup> the human rights section of the Public International Law Directorate of the DFAE organises a dialogue in Bern with representatives of NGOs active in fields within its remit. NGOs working to protect the rights of minorities are always invited to attend. Follow-up measures to the results of the third monitoring cycle were presented, along with the timetable, various steps and consultations planned in connection with the drafting of this report.

#### E. Measures to raise awareness of the Framework Convention

27. The Public International Law Directorate (DDIP) of the DFAE awarded a grant for the contributions from the Swiss authors of the German-language Commentary on

<sup>20</sup> The associations and organisations mentioned in paragraphs 6 and 7 above.

<sup>21</sup> The last meeting was on 27 April 2016.

the Framework Convention (see paragraph 20 above). The purpose of this grant was to promote awareness of the Framework Convention among national minorities, public officials at various levels and practitioners, particularly those who are German-speaking. This was also the aim of a second grant awarded by the DDIP for the inaugural event held in respect of the Commentary on 27 March 2015 on the theme “Protecting national minorities in Switzerland – implementation of the Council of Europe Framework Convention by Switzerland”.

28. To raise awareness among the general public and in particular the Romansh minority, in spring 2014 the language departments of the Federal Chancellery produced a Romansh translation of the Framework Convention, which was published on the website of the Federal Department of Foreign Affairs and sent to the Graubünden cantonal authorities. It was also sent to the Secretariat of the Framework Convention which published it in its database.<sup>22</sup>

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<sup>22</sup> <http://www.coe.int/en/web/minorities/text-of-the-convention>

## II. PART TWO

### *Measures taken to address core issues*

#### A. Shortage of sites for the Yenish, Sinti/Manouches and Roma

The first issue for immediate action noted in the 3<sup>rd</sup> Committee of Ministers Resolution was as follows: *“The Advisory Committee reiterates its call on the authorities to intensify their efforts to remedy the severe shortage of stopping places and transit sites for Travellers<sup>23</sup> as soon as possible. Determined measures must be adopted in order to strongly encourage all the federal, cantonal and municipal stakeholders to take into account the importance of and need to address Travellers’ problems in the context of territorial development plans. Furthermore, sites in a state of disrepair must be renovated and awareness campaigns conducted among municipalities, the general public and private landowners in order to facilitate spontaneous stops.”*

#### 1. Current situation regarding stopping places, short-stay areas and transit sites<sup>24</sup>

29. There are estimated to be some 30 000 people of Yenish origin and a few hundred people of Sinti/Manouche origin in Switzerland. Of these, two or three thousand have a nomadic or semi-nomadic way of life. No estimates exist for the number of foreign Travellers – many of them Roma – crossing Switzerland in the summer; a study on the subject is in the pipeline.

Two new sites have been created since 2013 (when the third Opinion on Switzerland was published): a short-stay area in Winterthur (Zurich) and a stopping place in St Gallen. In addition, eight temporary sites have been opened in the cantons of Zurich, Bern, Ticino, Jura and Basle-City.

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<sup>23</sup> Council of Europe terminology.

<sup>24</sup> The information that follows was supplied by the cantons during the technical consultations held in summer 2016 in preparation for this report. For the situation up to 2015, information has also been drawn from the expert report *Les Gens du voyage et l'aménagement du territoire* (“Travellers and spatial planning”) updated to 2015 for the “A Future for Swiss Travellers” foundation and published in December 2016: [http://www.stiftung-fahrende.ch/geschichte-gegenwart/sites/stiftung-fahrende.ch/geschichte-gegenwart/files/docs/gens-du-voyage\\_rapport2015\\_161213.pdf](http://www.stiftung-fahrende.ch/geschichte-gegenwart/sites/stiftung-fahrende.ch/geschichte-gegenwart/files/docs/gens-du-voyage_rapport2015_161213.pdf).

For Travellers’ sites, the terminology used by the Swiss authorities is as follows:

- *Aire de séjour* = *area di sosta* = *Standplatz* (stopping place: encampment for the winter months, used mainly by Swiss Travellers)
- *Aire de passage* = *area di passaggio* = *Durchgangsplatz* (short-stay area: for short stays in summer, used mainly by Swiss Travellers)
- *Aire de transit* = *area di transito* = *Transitplatz* (transit site: large sites usually used by large groups of foreign Travellers).

The umbrella term for all these areas is *aire d'accueil* = *area di stazionamento* = *Platz* (site).

By contrast, between 2010 and 2015 twelve short-stay areas were closed, so that by 2015 just 31 remained, fourteen of which could be used only for very limited periods. This figure had been diminishing steadily since 2000 (2000: 46; 2005: 44; 2010: 43). The reasons for the closures are various, including competing uses (the authorities wished to use the site for a different purpose: playing field, car park, etc.) and inadequate facilities making a site less attractive. The short-stay areas currently available are sufficient only for about a third (approximately 35%) of Swiss Travellers.

As for the overall situation regarding stopping places since 2000, the 2015 expert report *Les Gens du voyage et l'aménagement du territoire* ("Travellers and spatial planning") notes that their number has risen slightly (four more stopping places since 2000) but that there is no progress at present (2010: 14; 2015: 15). The number of stopping places is enough for roughly 50% of Swiss Travellers.

Discussions are currently taking place or have recently been held in various cantons with regard to creating sites. In particular, there have been positive developments in the canton of Bern where in September 2016 the cantonal parliament overwhelmingly approved an appropriation of CHF 2.6 million to develop three sites for Swiss Travellers in Cerlier (stopping place), Muri (stopping place and short-stay area) and Herzogenbuchsee (short-stay area). The parliament also, however, deferred (by 152 votes to 1) a request for CHF 9.3 million in funding to create a transit site for foreign Travellers. The plan was to develop a 12 500 m<sup>2</sup> site for 40 caravans in Meinisberg (Biel/Bienne area), near an exit from the A5 motorway. The size of the appropriation applied for is due to the large area that would have had to be provided with water and electricity and the cost of the mandatory archaeological excavation beforehand. The case has gone back to the government of Bern, which has been instructed to resume efforts to find another, less expensive, location or even to develop the Meinisberg site more cheaply for the canton. The government of Bern is studying the possibility of providing a temporary transit site for foreign Travellers with the relevant municipalities in the Seeland and Biel/Bienne constituency.

The canton of Jura intends officially to recognise the existing site in Malavau for groups of Swiss Travellers (20 caravans) and provide a transit site for foreign groups (30 caravans) in 2017 once the cantonal Master Plan has been revised.

In spring 2016 the canton of Basle-City created a temporary short-stay area to bridge the gap until a new stopping place becomes available in early 2018.

In the cantons of Solothurn, Neuchâtel, Thurgau and Ticino working groups are also actively looking into solutions for Yenish, Sinti/Manouches and Roma who are Travellers. This is a priority for 2017 in the canton of Neuchâtel. The situation is complicated in the canton of Solothurn, where either one or two sites are to be created under the new cantonal Master Plan. The first plan for a site (in Biberist) ran into opposition from the municipality. A second plan (for sites in Flumentahl and Deitingen), for which planning permission had been granted, was rejected by the Travellers because of its proximity to an overhead power line and the motorway. In

the canton of Thurgau in 2016 the Department of Building and the Environment (Departement für Bau und Umwelt) set up a working group including representatives of Swiss Travellers' organisations for the purpose of protecting the four existing stopping places and short-stay areas and identifying new sites. The canton of Thurgau will provide support to municipalities in this process.<sup>25</sup> In Ticino, the temporary short-stay area for Swiss Travellers will not be available for much longer, as the site is due to be used for another purpose. The working group is channelling its energies into finding an alternative solution and ensuring continuity of provision for Swiss Travellers.

In recent years the standard of infrastructure for short-stay areas has improved in the cantons of Bern and Aargau.

In the canton of Fribourg a Yenish association has contacted all the municipalities with a view to creating a stopping place. Numerous efforts made at cantonal level have been fruitless. The Hauterive stopping place is nowhere near large enough for all the families wishing to live there, and no extension is planned. Also, the conditions for stopping on private land have been made stricter. Work did, however, begin on the construction of a large transit site for some forty caravans at Joux-des-Ponts next to the A12 motorway in August 2016. It will be a multifunctional site also serving as a rest area for heavy goods vehicles. This being so, the Confederation (Federal Roads Office (OFROU)) is building the structure and providing most of the finance for the project, which is estimated to cost CHF 2.8 million. The canton of Fribourg will cover CHF 700 000. The work was to be completed in time for the 2017 summer season. This new site is the culmination of over ten years of discussion, delayed by opposition in the municipalities where sites had previously been planned.

In the canton of Vaud, Swiss Travellers have been offered sites, which they refused because they were too hazardous for families owing to the proximity of a dangerous road. The canton of Vaud has offered other sites, belonging to Armasuisse, on a temporary basis. It is continuing its search for a suitable site for a stopping place following the petition submitted in 2012 by the local Yenish. Although the cantonal ombudsman for Travellers contacted cantonal, regional and federal bodies (OFROU, Armasuisse and Swiss Federal Railways), as well as some thirty municipalities and private owners, only one piece of land, in the municipality of Lucens on a former nuclear site belonging to the canton, was able to be offered to the local Yenish population in 2014. They rejected it, however, as they were afraid that their children would be stigmatised at school because they were living on the site of a former nuclear power plant, even though they had been assured that the decontaminated site was not a health risk. The canton of Vaud notes the municipalities' lack of interest in making sites available, particularly due to the population's perception of foreign Travellers, with whom the Swiss Yenish are equated.

In both central and eastern Switzerland, finding sites is difficult. In the canton of St Gallen two plans to create a short-stay area have been rejected in recent years, one

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<sup>25</sup> The Swiss Yenish represented by the "European Yenish Union" have called into question the recent guidelines published by the canton of Thurgau concerning the use of sites within its territory.

in a referendum and the other by the cantonal parliament. The canton is nevertheless in the process of revising its social assistance legislation in order to reimburse any social assistance costs incurred by municipalities providing sites. This measure comes partly in response to reluctance on the part of municipal policy makers concerned about the excessive social-security costs associated with the provision of sites.

In the canton of Appenzell Outer Rhodes the municipalities of Herisau and Teufen each offer a temporary short-stay area. Although included in the cantonal Master Plan, the two sites are used only sporadically. Consequently, the municipality of Teufen asked for the Zeughausplatz site to be removed from the 2015 revised Master Plan on the ground that it was a public car park often used for other purposes. It was therefore decided that the Zeughausplatz in Teufen could be delisted as a short-stay area on the express condition that an equivalent site, statutorily protected and accessible safely, would be provided and its availability guaranteed.

The canton of Schwyz is focusing its hunt for sites on suitable places for spontaneous halts, since cantonal legislation allows private landowners to rent out their land to travellers by the week.

As acknowledged by the Swiss Travellers' association "Radgenossenschaft der Landstrasse", in eastern Switzerland Graubünden is a model canton for both the stopping places and the short-stay areas that it provides. In addition, the Rania campsite can now be used as a stopping place or short-stay area under a lease agreement signed by "Radgenossenschaft der Landstrasse" with the company that owns the site. By a government decision of 10 May 2016, the canton is supporting the project indirectly by guaranteeing the lease in the event of "Radgenossenschaft der Landstrasse" going bankrupt.

Several cantons have taken account of Travellers' needs in their cantonal Master Plans. One example is the canton of Nidwalden, whose Master Plan provides for co-ordination (S1-12) in relation to the Swiss Yenish and Sinti/Manouches. In practical terms, it has to create easily accessible short-stay areas in the canton.

Several cantons have called for federal co-ordination and involvement through regional and interregional solutions for foreign Travellers crossing the country. This position was voiced in the parliament of the canton of Bern in September 2016 when it deferred the request for funding to develop a transit site for foreign Travellers.

The Swiss Yenish and Sinti/Manouches represented by "Radgenossenschaft der Landstrasse" have pointed out that when sites are created, more attention should be paid to minimum standards for health, safety and quality of life than is the case at present. They have also emphasised that cantons' proposals for sites can be approved by the groups concerned only if the latter have been included in the relevant working groups, which does not always happen.

In their position paper on the subject-matter of the present report, the “Roma Foundation” and the other organisations sharing the latter’s position (see paragraph 7 above) noted a worsening of the situation regarding sites for foreign Travellers. According to them, a number of cantons, including Basle-Rural and Zurich, and more and more municipalities, are prohibiting foreign Travellers from staying overnight in the local area. Owing to the substantial costs of managing it, the canton of Neuchâtel closed its site for foreign Travellers, before subsequently reopening it, but there is no solution in the offing for 2017. According to the above organisations, these measures are selective and discriminatory against European Travellers.

30. As part of its remit to alert cantons to plots in its available property holdings that it considers suitable for short-stay areas and stopping places, **Armasuisse Immobilier of the Federal Department of Defence (DDPS)** has continued its efforts through annual meetings. Various sites have been offered, but no sales have actually been completed. Armasuisse Immobilier is also part of the working group on improving conditions for a nomadic way of life and promoting the culture of the Yenish, Sinti and Roma set up by the Federal Council (see section 5 below).

## 2. Parliamentary initiatives in this area

31. At the federal level, from 2014 to 2016 there were three parliamentary questions, two motions, one postulate and one written question on the subject of the Yenish, Sinti/Manouches and Roma, relating to consideration of their needs in terms of sites, to transit of foreign groups and to greater recognition.<sup>26</sup>

In its response to these moves, the Federal Council has constantly emphasised the difficulties facing the Yenish and Sinti/Manouches in Switzerland and pointed out that federal, cantonal and municipal bodies all have to play their part if there is to be any improvement in the situation. The Federal Council has said that it wishes to provide fresh impetus in this respect. Its first step was to set up in 2015 the working group on improving living conditions for the Yenish, Sinti and Roma in Switzerland and promoting their respective cultures (see section 5 below). In its Message on Culture 2016-2020 (see section 4 below), the Federal Council has suggested other measures to improve the situation.

## 3. Yenish protests

32. The shortage of stopping places and short-stay areas led to Yenish protests in Bern and Biel/Bienne in April 2014. This was the first time that the Yenish had resorted to this type of action since the 1980s, when they had organised a similar protest in Lucerne. For two weeks they put dozens of caravans on the Allmend site in

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<sup>26</sup> Estermann, Parliamentary Question 14.3248; Leuenberger-Geneva, Parliamentary Question 14.3313; Trede, Motion 14.3343; Semadeni, Motion 14.3370; Gysi, Postulate 15.3233; Bauer, Written Question 16.5298; Bauer, Parliamentary Question 16.3535.

Bern to draw attention to their hardship at the start of the travelling season. Because this site was reserved for visitors to the spring fair that was due to begin in the coming days, the Yenish protest camp was cleared by the Bern police.<sup>27</sup> The protest received extensive coverage from both the press and broadcasters with news reports informing and educating the general public about Switzerland's Yenish community and the needs associated with their nomadic way of life. Overall, the media were fairly positive.

The canton of Bern responded to these protests by creating four new temporary short-stay areas that same year. Shortly afterwards the neighbouring canton of Jura also provided a temporary short-stay area. The setting-up of the national working group on improving conditions for the nomadic way of life and promoting the culture of the Yenish, Sinti and Roma in Switzerland may also be seen, at least in part, as a response to the Yenish protests (see section 5 below).

#### **4. Message on Culture 2016-2020**

33. In November 2014 the Federal Council presented the federal parliament with its Message on the Promotion of Culture for 2016-2020 ("Message on Culture"). A section of the Message is devoted to the Yenish and Sinti/Manouches with the aim of improving the living conditions of these cultural minorities.

To address the major challenge of creating and maintaining the stopping places and short-stay areas necessary for a nomadic way of life, the Message on Culture provides for various measures, including additional financial resources for the "A Future for Swiss Travellers" foundation (see Part Three, under Article 5, section A below).

The Message also aims to increase public and official awareness and promote Yenish language and culture.

On 19 June 2015 the federal parliament adopted the Message on Culture and endorsed the Federal Council's proposals for improving the living conditions of the Yenish and Sinti/Manouches, in particular through increased funding, thus demonstrating its determination to support these national minorities.

#### **5. The working group on "improving conditions for the nomadic way of life and promoting the culture of the Yenish, Sinti and Roma in Switzerland"<sup>28</sup>**

34. The working group on "improving conditions for the nomadic way of life and promoting the culture of the Yenish, Sinti and Roma in Switzerland" has discussed

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<sup>27</sup> It should be noted that the "European Yenish Union" (see paragraph 6 above), supported by the Swiss branch of the "Society for Threatened Peoples", has questioned the way in which the Bern police evicted the Yenish.

<sup>28</sup> On this working group, see also Part One, section D above.



and focused on objectives relating to **sites**. A number of measures in this area are expected to be included in the Confederation's action plan which is currently being drafted (see paragraph 25 above).

The issue of sites is particularly pressing for people and groups with a nomadic way of life. Moreover, the authorities' representatives agree that there are too few sites available in Switzerland and state stakeholders in all fields must try to find ways of improving the situation. The working group has identified three types of site: stopping places (for the winter months), short-stay areas (for short stays in summer) and transit sites (large areas near major roads, used mainly by foreign Travellers). The number of stopping places, short-stay areas and transit sites is inadequate and needs to be increased across the board in all regions but especially in French-speaking Switzerland, Ticino, eastern Switzerland and central Switzerland.

The question of sites is closely linked to other issues. For example, permanent sites secured under spatial planning arrangements benefit education and vocational training for children and young people with an itinerant way of life and are essential to the continued existence of this culture.

The sites problem could be resolved by selecting locations that are easily accessible and child-friendly and focusing on facilities and conditions of use.

35. With regard to legal aspects, the "A Future for Swiss Travellers" foundation has asked the Federal Office of Justice to update its 2002 legal opinion on "Legal status of Travellers having regard to their position as a recognised national minority" and to consider in particular to what extent it is possible to infer from constitutional provisions, including Article 35, paragraph 2, of the Federal Constitution, a positive obligation on the state to provide stopping places and short-stay areas for Travellers. It was agreed that this study would be included in the report of the above-mentioned working party. Its findings are as follows:

Both international law and Swiss constitutional law dictate that Travellers' specific needs must be taken into account.<sup>29</sup> According to the case-law of the Swiss Federal Supreme Court, which draws on that of the European Court of Human Rights, there is a positive obligation on the authorities to make provision in spatial planning for appropriate areas and sites to be used as stopping places or short-stay areas for Travellers.

This obligation arises from treaty-based guarantees (in particular Article 27 of the International Covenant on Civil and Political Rights, Article 8 of the ECHR and Articles 4 and 5 of the Council of Europe Framework Convention for the Protection of National Minorities) and constitutional rights (especially Article 8, paragraph 2, of the Federal Constitution). Under Article 35 of the Federal Constitution, all entities acting on behalf of the state are bound to contribute to the realisation of fundamental rights. This provision of the Constitution cannot, however, be relied upon in isolation. The positive duty described above therefore arises from Article 35

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<sup>29</sup> The legal opinion uses the term "Travellers" as it focuses on the issues associated with an itinerant or semi-itinerant way of life.

taken in conjunction with other fundamental rights, notably the prohibition of discrimination. That said, there is currently no constitutional basis for inferring an enforceable right to provision of stopping places or short-stay areas for Travellers.

Accordingly, the Swiss Federal Supreme Court recognises the Travellers' itinerant or semi-itinerant way of life as an essential characteristic of their identity. It has found that the authorities have a duty to take account of their specific needs in spatial planning and has thus incorporated Travellers' cultural and socio-economic needs into the principles governing land use. The Court, however, has focused on the importance of land-use planning procedures rather than recognising an enforceable right to provision of stopping places or short-stay areas.

## **B. Combating racism and intolerance**

The second issue for immediate action noted in the 3<sup>rd</sup> Committee of Ministers Resolution was as follows: *"The Advisory Committee calls on the authorities to adopt adequate measures to combat manifestations of racism, to condemn publicly and without delay all forms of intolerance, including in political discourse and on the Internet, and to intensify efforts to promote diversity and tolerance within Swiss society."*

### **1. Tackling anti-Semitism<sup>30</sup>**

#### **a. Federal authorities' commitment**

36. During its chairmanship of the OSCE in 2014, Switzerland was particularly involved in stepping up efforts to tackle anti-Semitism. At the 2014 Berlin conference on anti-Semitism of which the Swiss OSCE Chairmanship was one of the organisers, the President of the Swiss Confederation called on civil society and political leaders to speak out against anti-Semitic behaviour, expressions and acts of violence. This Berlin conference led to a Declaration on Enhancing Efforts to Combat Anti-Semitism being adopted 5 December 2014, at the OSCE Ministerial Council in Basle held under the Swiss Chairmanship. This declaration stresses the importance of states working with civil society through effective partnerships to combat anti-Semitism. It calls on states to encourage their political leaders to take a robust stand when anti-Semitic incidents occur, investigate acts of violence motivated by anti-Semitism and prosecute those responsible, foster intercultural and interreligious dialogue and promote educational programmes for combating anti-Semitism.

Under the self-assessment procedure that it had introduced during its OSCE chairmanship, the Swiss Confederation instructed the Swiss Centre of Expertise in Human Rights (SCHR) to examine Switzerland's implementation of the Basle declaration on anti-Semitism and suggest any measures that might be necessary. In its study dated 6 December 2015 on the legal status of the Jewish community in Switzerland and implementation of the declaration of the OSCE Ministerial Council

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<sup>30</sup> On the current situation in Switzerland regarding anti-Semitic acts and stereotypes, see under Article 6, section B.1 below.

on enhancing efforts to combat anti-Semitism,<sup>31</sup> the SCHR includes the following recommendations:<sup>32</sup>

- Because anti-Semitic acts often fall outside the ambit of criminal law or are not serious enough to be sanctioned under criminal law, statistical reporting and condemning anti-Semitic acts are only some of the possible measures for combating anti-Semitism.
- In education and politics, attention should be drawn to the fact that anti-Semitism covers much more than just criminal offences. It is important to ensure that people are generally aware that beliefs, prejudices and stereotypes hostile to Jews must also be considered anti-Semitic. Special measures are needed for use of new and social media.
- Politicians and other public figures must be encouraged to take a public stance against anti-Semitism, even when criminal investigations are in progress, without being accused of contravening the principle of separation of powers or the presumption of innocence.
- It is necessary to determine the specific obligations that arise for Switzerland out of the Framework Convention in terms of protecting members of the Jewish community as a national minority, particularly in the educational field, with regard to anti-Semitic statements on the Internet and concerning the safety of individuals and institutions.
- Swiss criminal law should be amended to cover the generally accepted international concept of a hate crime. The obligation to consider a racist or discriminatory motive an aggravating circumstance whatever the offence should be added to the Swiss Criminal Code.
- Given that only public statements are punishable under the prohibition of racial discrimination enshrined in Article 261 *bis* of the Swiss Criminal Code, it is difficult to punish cases of anti-Semitism on the Internet and social media.
- All stakeholders should be made more aware of the need to encourage mutual understanding throughout society rather than confining initiatives to foster tolerance and interreligious dialogue to the field of migration.

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<sup>31</sup> The SCHR study (in German), with an executive summary in English, is available at:

<http://www.skmr.ch/frz/domaines/questions-institutionnelles/publications/normes-penales-contre-antisemitisme.html?zur=109>

<sup>32</sup> The “Swiss Federation of Jewish Communities” (FSCI) and the “Platform of Liberal Jews in Switzerland” (PJLS) emphasise the need for the Swiss authorities to implement and act on the SCHR recommendations. In a proposal to the Confederation for an action plan to improve the general conditions of the Jewish minority (May 2016), the FSCI and PJLS suggested that more resources should be devoted to preventing anti-Semitism in new and social media (see also paragraph 39 below).

37. On 1 December 2015 the DFAE and the DFI co-hosted a conference in Bern on the situation of the Jewish minority in Switzerland. The idea was to raise awareness of the challenges currently facing the Jewish community in Switzerland, and in particular the question of how to protect it in response to the increasing number of anti-Semitic threats and acts. The conference was opened by the head of the DFAE, the Federal Councillor Didier Burkhalter, who stressed the need for the authorities and civil society to come together to step up their efforts to tackle anti-Semitism. He then emphasised that *“the Jewish community has been, remains and will always be an integral part of Swiss culture and society”*. He also noted that the Swiss Government was aware of the increasing number of anti-Semitic acts and the potential threat to persons of the Jewish faith and their institutions. He added that the Swiss authorities were monitoring the situation closely and taking the necessary measures.

38. On 17 January 2016, Jews in Switzerland celebrated the 150th anniversary of their emancipation – namely the revision of the Federal Constitution granting them equal civil rights and the right to settle freely – in the presence of the President of the Confederation.

39. In May 2016 a number of Jewish organisations met the head of the DFAE and the head of the DFI in Bern. They discussed follow-up to the SCHR study on Switzerland’s implementation of the Basle declaration on anti-Semitism (see paragraph 36 above), including the Confederation’s duties in the fields of prevention and awareness-raising to counter anti-Semitism, especially with regard to young people on social media. Switzerland’s obligations under the Framework Convention were also raised, particularly concerning the protection and safety of Jewish persons and institutions. The Jewish organisations then proposed a co-ordinated commitment on the part of the Confederation to combat all forms of anti-Semitism, and, if necessary, an “action plan to improve the general conditions of the Jewish minority”.

40. On 16 November 2016 the Federal Council was briefed on a report dated 1 November 2016 from the DFI’s Service for Combating Racism, drafted with the relevant federal offices and setting out their positions, **which describes the Confederation’s measures to combat anti-Semitism, particularly prevention and awareness-raising measures, as well as the applicable law and the situation regarding protection of Jewish persons and infrastructure.**<sup>33</sup> The report highlights how the Federal Council is fulfilling its constant and systematic commitment to combating all forms of racism and anti-Semitism, which it considers a permanent obligation of the Confederation. It is based on the SCHR study and recommendations of 6 December 2015 (see paragraph 36 above). In conclusion it notes that politicians, together with the federal, cantonal and municipal authorities, must speak out against anti-Semitic incidents promptly and resolutely. Civil society stakeholders, particularly the organisations representing those concerned, as well as politicians, the media and cultural stakeholders are all urged to play their part.

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<sup>33</sup> On protection of Jewish persons and institutions, see under Article 6, section B.2 below.

41. In March 2017 Switzerland will take over the chairmanship of the International Holocaust Remembrance Alliance (IHRA), which it joined in 2004.

**b. Federally supported projects to combat anti-Semitism**

42. Since 2013 (when the third Opinion on Switzerland was published), the Confederation's Service for Combating Racism has supported six projects, totalling CHF 140 000, in connection with anti-Semitism and the Holocaust.

**2. Decisions and rulings delivered pursuant to the prohibition of racial discrimination enshrined in the Criminal Code**

43. Cantonal decisions and rulings delivered under Article 261 *bis* of the Criminal Code are forwarded by the Federal Intelligence Service (SRC) to the Federal Commission against Racism (CFR), which collects them in a data bank.<sup>34</sup> The cantonal authorities are required to notify the SRC of all decisions and rulings relating to Article 261 *bis* of the Criminal Code. Under Article 171c of the Military Criminal Code, it is the Chief Military Prosecutor who is responsible for forwarding decisions and rulings to the CFR. The CFR then prepares a fully anonymised version of each decision/ruling.

The statistics produced by the Federal Commission against Racism provide a quantitative overview of the decisions and rulings delivered under Article 261 *bis* of the Criminal Code and Article 171c of the Military Criminal Code and which appear in the official collection of legal cases.

In 2013 and 2014 the Federal Commission against Racism was notified of 38 cases. In only one of them, after a brief review of the facts, did the investigating authorities decide not to proceed. In the other cases, the substance of the complaints was investigated and a ruling delivered. In one case, the authorities acquitted an individual of the charge of racial discrimination, in three others they sent the case back to the previous authority and in 33 cases they delivered a verdict of guilty.

In 2015 the Federal Commission against Racism recorded a total of 57 rulings under Article 261 *bis* of the Criminal Code, representing a sharp increase on the previous year, when only 15 such rulings were delivered. Fifty-two cases resulted in a guilty verdict, one in an acquittal and four in a discharge.

With regard to victims, there was an appreciable increase in racial discrimination against Jews, who were the subject of 39 rulings. This situation was not unconnected with the Palestinian conflict in summer 2014, which prompted a dramatic rise in anti-Semitic comments on social media.<sup>35</sup> Moreover, for 2015 in general, 44 rulings related to statements on the Internet, most of them on social media.

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<sup>34</sup> <http://www.ekr.admin.ch/services/f272.html> (in French).

<sup>35</sup> See also paragraphs 44 and 94 below.

### 3. Countering racist comments on the Internet, in the media and in political discourse

44. Several **prosecutions** have been brought over the past few years under Article 261 *bis* of the Criminal Code in specific cases of racist comments made on the Internet or in political discourse. They include the following cases:

- In 2014 the “Swiss Federation of Jewish Communities” (FSCI) and the “Foundation against Racism and Anti-Semitism” (GRA) jointly lodged 25 criminal complaints against individuals for inciting hatred against Jews on Facebook. Cases in which it was possible to identify the authors resulted in convictions for breaching the prohibition of racism enshrined in the Criminal Code. However, several cases had to be closed because it was impossible to identify the perpetrators.
- In 2014 the “Inter-Community Co-ordination Forum Against Anti-Semitism and Defamation” (CICAD) reported an individual to the Geneva Public Prosecutor’s Office for anti-Semitic comments on Twitter: “What do you say when you see a Jew? Go back to Auschwitz”; “They should be killed at birth, these Yids”; “A good Jew is a dead Jew”.
- In January 2016 the Ticino Public Prosecutor’s Office began an investigation into a non-commissioned officer in the cantonal police for incitement to racial discrimination. He was accused of having published racist comments on his Facebook page, including Nazi images and quotations from Adolf Hitler.
- In May 2016 CICAD lodged a criminal complaint against an artist from Valais (handle: “wrong-thinking artist”) who was spreading anti-Semitic comments and drawings on social media.
- In July 2016 the “Roma Foundation”, the Yenish association “Schäft Qwant” and the “Society for Threatened Peoples” lodged a criminal complaint against a municipal councillor in Lyss (Bern) who, during a municipal parliament debate on foreign Travellers, had said: “if you cannot recognise gypsies by sight, you can recognise them with your nose”.

45. In October 2012 **the Swiss Press Council** partially accepted a complaint against the *Weltwoche* daily newspaper concerning a headline and photograph attaching to an article on the Roma published in April 2012. The cover of the issue in question carried a photograph of a Roma child pointing a gun at the reader with, just below, the headline: “The Roma are coming: marauding through Switzerland”. The Press Council held that this front page was discriminatory against the Roma and distorted the news. By contrast, the criminal proceedings instituted against *Weltwoche* by the Zurich Public Prosecutor’s Office were dropped because, in the latter’s opinion, the photograph did not show the Roma people as such and did not violate the dignity of

the Roma community as an ethnic group. It simply highlighted the issue of, and illustrated, child exploitation.<sup>36</sup>

46. In 2015 the Federal Commission against Racism (CFR) launched the **“Multi-coloured Switzerland”** campaign with the aim of **alerting young people** to the issue of **racial discrimination, online hate speech** and the need to combat the phenomenon. During this five-month campaign, young people from all over Switzerland provided contributions for a Facebook page. They were invited to make use of it to speak out positively against hate speech. Over 1 300 000 people read the postings of the French-speaking “Multi-coloured Switzerland” campaign (#unesuisseanoscouleurs). Ninety people from over 50 associations, schools, authorities and other organisations made over 600 creative anti-racism postings on Facebook, either individually or as a team. Some 670 tweets against racism were posted, reaching over 560 000 people in Switzerland. Among under 25-year-olds on Facebook in Switzerland, 67% saw the messages for #unesuisseanoscouleurs. The campaign also attracted attention offline: thanks to support from external partners, several million passengers saw the message in public transport. Several large companies also took part, relaying the campaign through their newsletters and internal communication systems and thus reaching 60 000 and 33 000 people respectively. In the broadcast and print media, over 70 reports and articles on the campaign in German, French and Italian reached an estimated audience of 4 600 000. The CFR intends to continue these awareness-raising activities in order to put an end to stigmatisation and racial discrimination on social media. It will capitalise on what has been done in the last campaign and promote other activities in the future.

#### 4. Monitoring for the survey on **“Diversity and co-existence in Switzerland”**

47. Since 2012 the Service for Combating Racism (SLR) has been publishing a biennial report on racial discrimination and racism in Switzerland. One section of this report is devoted to the situation of Jewish communities and another to that of the Yenish, Sinti/Manouche and Traveller communities. In connection with this monitoring, the SLR, on behalf of the Federal Council, has produced a survey on **“Diversity and Co-existence in Switzerland”** (VeS), designed amongst other things to measure opinions and attitudes regarding certain population groups (Muslims, Jews and black people).<sup>37</sup> Between 2010 and 2014 three such pilot surveys were tested. From 2016, by decision of the Federal Council, these surveys have been included in Federal Statistical Office’s omnibus multiple-theme surveys for population censuses. As regards anti-Semitic opinions, the VeS survey determines opinions through a series of standard questions grouped by theme. It first examines stereotypes (greed, thirst for power, business acumen, political radicalism, intelligence), then negative opinions (too much influence in world events, exploitation of the Holocaust, loyalty to Israel first and foremost, too much influence on Switzerland, jointly responsible

<sup>36</sup> See <http://www.humanrights.ch/fr/droits-humains-suisse/interieure/racisme/incidents/weltwoche-roms> (in French).

<sup>37</sup> The Swiss branch of the “Society for Threatened Peoples” considers that the survey should also measure opinions and attitudes regarding the Yenish, Sinti/Manouches and Roma.

for their persecution, all Jews should go to Israel) and lastly positive opinions (people like anyone else, a civilised society must combat anti-Semitism).<sup>38</sup> Overall, the pilot surveys conducted in 2010, 2012 and 2014 revealed a number of trends; anti-Semitism seemed to be less widespread than racist opinions, xenophobia and hostility with regard to Muslims. The figures for the three thematic indicators remained stable, or even fell slightly, and were similar for Swiss nationals and foreigners, apart from persons of Muslim background, for whom they were higher. The survey findings are included in the SLR's biennial report, together with data from other polls and information on the findings recorded.

## 5. Measures to promote diversity and tolerance in Swiss society supported by the Confederation and the cantons

48. Since 2013 (when the third Opinion on Switzerland was published), the Confederation's Service for Combating Racism has supported 266 projects, totalling around CHF 3 million, to **combat racism and xenophobia and promote human rights**.

Under the cantonal integration programmes (PICs) implemented in all cantons since 2014 (see paragraph 73 below), the Confederation, cantons and municipalities have supported specific measures to prevent discrimination and racism. Between 2014 and 2015, almost CHF 5 million was invested in such measures. These consisted mostly in counselling for victims of discrimination but also included awareness-raising activities targeting the local population. One of the aims in most cantons is to give greater prominence to prevention of discrimination, for example by making the subject part of in-service training for public-sector staff.

### C. Linguistic minorities in the federal administration

The third issue for immediate action noted in the 3<sup>rd</sup> Committee of Ministers Resolution was as follows: *"The Advisory Committee strongly encourages the authorities to continue their efforts to implement all the commitments relating to the linguistic rights of persons belonging to national minorities, laid down in the Federal Law on the National Languages and Understanding between the Linguistic Communities, so as to ensure, in practice, effective equality among the official languages of the Confederation and to enable persons belonging to linguistic minorities to use their own language in the federal administration. It is also necessary to continue to examine the question of their proportional representation in administrative structures."*

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<sup>38</sup> Longchamp C. et al., *Verbreitung und Entwicklung von Rassismus, Fremdenfeindlichkeit, Muslimfeindlichkeit und Judenfeindlichkeit. Schlussbericht zur Studie "Zusammenleben in der Schweiz 2010 – 2014"*. Bern, December 2014, p. 74 ff. (full report in German only).



## 1. Institutional multilingualism: use of national minority languages in the federal administration and in relations with the federal authorities

49. 1 January 2013 saw the entry into force of the new Ordinance on the Language Services of the Federal Administration (OSLing)<sup>39</sup> and the Federal Chancellery's directives on language services.<sup>40</sup> These two instruments have brought the statutory basis for the sector – covering languages used, multilingual communication and official publications – into line with the new federal legislation on languages (2010), as well as updating organisational structures (the previous structure dated back to 1995) and optimising in-house and outside services whilst ensuring continuity and multilingual operation in the federal administration.

With the new Ordinance, the framework has been simplified: it provides for all the languages used by the administration and opens up the structure to current and future changes whilst respecting the organisational autonomy of the various units; it confirms the key role of the Federal Chancellery in the languages field and provides a statutory underpinning for the Interdepartmental Conference on Language Services (CISL), which is the main permanent instrument for ensuring co-ordination.

As a result, the workload and number of staff for the different languages have changed: the language sector currently has 461 staff (for the equivalent of 320 posts), with 196 translating into French, 154 into Italian (148 in 2012), 45 into German, 18 into English and one into Romansh; the range and diversity of services has been increased, as has the scope for working in minority languages. With a view to future stability and savings, the main aim is to maintain the balance that has been reached and optimise services with existing resources whilst ensuring that the multilingualism objectives are met and, if possible, filling any gaps that still exist, such as translation of legislation not yet available in French or Italian on the federal departments' websites.

50. During the period under review, the Federal Council (on 28 August 2013) and Parliament (on 26 September 2014) decided to overhaul the official publishing system and institute a "reversal of primacy". In future, therefore, it will be the electronic version rather than the printed version that will be considered authentic. This change came into effect on 1 January 2016; it will mean that the multilingual texts in the Official Digest and the Federal Gazette can be published daily rather than weekly, whilst giving more prominence to federal law nationally and internationally. This decision is part of a broader approach to multilingual IT governance with and for the public.

51. At parliamentary level, in addition to numerous motions and questions in the language field (teaching of national languages, bilingual schools, student exchanges, representation of linguistic minorities in the federal administration, invitations to tender in national languages for public contracts, etc.), two aspects deserve a special

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<sup>39</sup> RS **172.081**.

<sup>40</sup> FF **2013** 1487.

mention. Firstly, Parliament's website has been upgraded in terms of both quality and quantity, since it is now also partly available in Romansh. *The [www.parlement.ch](http://www.parlement.ch)* website has been available in Romansh since March 2014 following a postulate requesting the government to legislate on "Parliament and the fourth national language" (12.3132), tabled by National Councillor Martin Candinas. The Curia Vista database of parliamentary proceedings, the Official Bulletin and press releases are not covered by this development. However, other parliamentary services are already available in Romansh: the home page, current business, the civic education platform [www.civicampus.ch](http://www.civicampus.ch) and a virtual tour of the Parliament Building [www.palais-du-parlement.ch](http://www.palais-du-parlement.ch).

52. Secondly, the last parliament saw the setting-up of three parliamentary joint committees in the language field, on "Italianità", Romansh Language and Culture, and Multilingualism in Switzerland, to make members of Parliament aware of the political and cultural implications of languages and their importance for national cohesion and also to better protect their status within institutions, in education and in public life.

By way of example, the Parliamentary Joint Committee on "Italianità" works with the "Forum per l'italiano in Svizzera" for the specific purpose of promoting, disseminating and supporting Italian language and culture in institutions and at the federal level. The Committee is chaired jointly by Ticino (represented by National Councillor Ignazio Cassis) and Graubünden (represented by National Councillor Silva Semadeni) and has some sixty members in the federal parliament.

The "Forum per l'italiano in Svizzera", chaired by Manuele Bertoli, member of the Council of States for Ticino and cantonal Minister of Education, Culture and Sport, was set up in 2012 on the initiative of the canton of Ticino and the canton of Graubünden to ensure Italian occupied its rightful place in Switzerland's multilingual constitutional framework.

## **2. Promotion of multilingualism and representation of linguistic minorities in the federal administration**

53. Promoting multilingualism within the federal administration is closely bound up with promoting languages and mutual understanding between the linguistic communities.

The entry into force of the Federal Law on National Languages and Mutual Understanding between Linguistic Communities<sup>41</sup> in 2010 created high expectations and led to renewed interest on the part of the public and members of Parliament. Some provisions of the Ordinance on National Languages and Mutual Understanding between Linguistic Communities<sup>42</sup> had been thought inadequate and progress likewise seemed too slow, the status and independence of the delegate for

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<sup>41</sup> RS 441.1.

<sup>42</sup> RS 441.11.

multilingualism too weak and analysis tools imperfect. Following discussions, the Ordinance was amended and the Federal Council directives on multilingualism completely revised;<sup>43</sup> the new instruments came into force on 1 October 2014.

Accordingly, the strategic objectives for promoting multilingualism are laid down by the Federal Council, with the support of the federal delegate for multilingualism. The Federal Chancellery and the departments, together with their administrative units, are responsible for pursuing these objectives through a package of measures.

54. This overhaul of the statutory framework is also intended to improve representation of linguistic minorities, particularly in managerial positions, bolster staff language skills and facilitate access to language courses. The objectives for representation of the linguistic communities (for which target values are laid down in paragraph 7 of the Ordinance on National Languages) are now specified not only for all the departments but also for the different administrative units and particularly managerial staff. Balanced representation of the linguistic communities in the individual units of the federal administration reflects the Federal Council's political commitment to promoting multilingualism in all areas of the federal administration's work and at all levels of authority.

55. The "Evaluation report to the Federal Council and recommendations on multilingualism policy (Art. 8d paragraph 4 of the LangO): Developments between 2008 and 2014 - Outlook for the period from 2015 to 2019", adopted on 13 March 2015 by the Federal Council, for the first time provides data on representation of the linguistic communities across the administration by department, including the Federal Chancellery, by administrative unit and by pay bracket.

In 2014, the objectives for linguistic representation were broadly attained across the federal administration, although the position of Romansh was still below the target values. In the higher pay brackets in particular, however, there was an imbalance in representation of the linguistic communities. For these brackets, in the federal administration as a whole, the French-speaking community was slightly above the lower threshold (21.9%) in 2014, while German speakers were over-represented (72.5%) at the expense of Italian speakers, who were under-represented (4.8%).

56. The amendment of the Ordinance on National Languages has also made it possible to bolster the independence and powers of the federal delegate for multilingualism, enabling the latter to play a more active part in key processes for promoting multilingualism within the federal administration. The federal delegate for multilingualism is now appointed directly by the Federal Council and reports to the Federal Department of Finance. On 10 April 2013 the Federal Council appointed Nicoletta Mariolini as the delegate for multilingualism in the federal administration. Having taken up her position on 1 August 2013, she is responsible for providing support to the Federal Council, as well as undertaking supervision, co-ordination and evaluation and making recommendations (Article 8d, paragraphs 4 and 5, of the Ordinance). Part of her work also lies outside the administration, both nationally

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<sup>43</sup> FF 2014 6407

(advocacy, information and co-operation) and internationally (networking and exchange of best practice between public authorities, and similar functions).

57. The above-mentioned evaluation report covers multilingualism developments in the departments and Federal Chancellery and highlights priorities for the coming years. These priorities concentrate on the fields of language skills (development of and access to language courses, particularly for managerial staff; assessment of staff language skills) and representation of linguistic communities (with the focus on drawing up career plans as a matter of priority for Italian-, French- and Romansh speakers already working in the federal administration).

Federal Chancellery and departmental action over the period 2012-2014 are set out in Appendix 2 of the above-mentioned report. A number of priorities have emerged: recruitment procedures, assessment and improvement of language skills and introduction of bespoke language courses to supplement the existing range of courses offered by the Federal Personnel Office (OFPER), together with a multitude of initiatives covering information, awareness-raising and intercultural exchange. Irrespective of their intention, the majority of these measures must be evaluated in terms of expediency, actual implementation and effectiveness, in individual cases and overall. This is a methodological challenge for the coming years.

For example, disparities between language regions have been shown to exist in the awarding of public contracts and orders from the Confederation and government-owned companies. Mindful of these disparities, the Federal Council ordered the necessary measures to be taken at its meeting on 30 April 2014. These measures are an integral part of multilingualism policy as a whole and thus intrinsic to evaluation of this policy.

58. The canton of Ticino notes that the figures for the proportion of Italian-speaking employees in the federal administration are still unsatisfactory but that changes and measures instituted at federal level represent significant progress, as further evidenced by the Federal Council's clear determination in recent years to find solutions and bolster the importance of multilingualism as a key factor in national cohesion. Furthermore, the activities and co-ordination pursued on various fronts by the Ticino Council of State, members of the federal parliament and the bodies and associations concerned, who are working to promote multilingualism and a culture of Italianness, prove that the conditions needed to increase the presence of employees from Ticino within the federal administration have been met. By way of example, the canton of Ticino mentions the cantonal representative for relations with the Confederation, one of whose tasks is to promote the presence of Italian speakers within the federal administration. Every year, forty or so inhabitants of Ticino who wish to work for the Confederation contact the representative, who gives them information and advice. A section entitled "Lavorare per la Confederazione" ("*Working for the Confederation*") has been added to the representative's web page.

It should also be noted that for a number of years now the Federal Personnel Office (OFPER) has been actively involved in the marketing of universities and vocational

colleges in Ticino. Indeed, a breakdown of vocational college trainees by mother tongue shows that Italian has exceeded the target values (objective: 6.5% - 8.5%).

### III. PART THREE

#### *Further measures taken to improve the implementation of the Framework Convention*

#### ARTICLE 3

1. *Every person belonging to a national minority shall have the right to freely choose to be or not to be treated as such and no disadvantage shall result from this choice or from the exercise of rights which are connected to that choice.*
2. *Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.*

In its 3rd Resolution, the Committee of Ministers noted as a positive development the overall inclusive approach followed by Switzerland with regard to the personal scope of application of the Framework Convention.

#### A. The Yenish and Sinti/Manouche national minority

59. When Switzerland ratified the Framework Convention and recognised “Travellers” - as they were then known – as a national minority within the meaning of this instrument, the intention was to protect the Yenish and Sinti/Manouches, both nomadic and settled, even though the primary target at the time was people with an itinerant or semi-itinerant way of life. It was a question of protecting a cultural minority. This intention was stated in the Swiss Government’s initial report (April 2001) on implementation of the Framework Convention.<sup>44</sup>

The Swiss Government continued to use this non-specific generic term “Travellers” until its 3<sup>rd</sup> report on implementation of the Framework Convention of January 2012, for the sake of consistency with the terminology used by other Swiss bodies – in particular the “A Future for Swiss Travellers” foundation – and international bodies, such as the European Roma and Travellers Forum (ERTF) in which a representative from Switzerland’s Sinti community, who was also a member of the Federal Commission against Racism, was actively involved.

60. In its follow-up on Switzerland, the Framework Convention’s Advisory Committee looked at the situation of Yenish and Sinti/Manouches, both itinerant and settled, addressing not only core issues such as the shortage of stopping places and short-stay areas and the schooling of children from itinerant families, but also promoting the Yenish language, access to the media and raising awareness about Yenish and Sinti/Manouche history and culture.

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<sup>44</sup> See paragraph 96 of the initial report.

61. In 2015, the Swiss Yenish and Sinti/Manouches represented by “Radgenossenschaft der Landstrasse”, “Cooperation Jenische Cultur”, “Jenisch-Manouche-Sinti” (JMS) and “Schäft Qwant” submitted a formal request, asking to be recognised under the Framework Convention as “Yenish” and “Sinti/Manouches”<sup>45</sup> rather than as “Travellers”. They also requested that, in future, their groups be referred to by the names they bestow on themselves and started a petition to this effect, addressed to the head of the DFI.<sup>46</sup>

On 15 September 2016, the Federal Councillor and head of the DFI Alain Berset, in an opening speech to mark the traditional Yenish and Sinti/Manouche festival “Feckerchilbi” (see also paragraph 89 below), said that the Swiss Sinti<sup>47</sup> and Yenish were recognised as a national minority within the meaning of the Framework Convention. He also acknowledged the legitimacy of the Yenish and Sinti’s request to be known by their own names and promised that in future, the Confederation would refer to them as “Yenish” and “Sinti” and would stop using the generic term “Travellers”. Mr Berset went on to say that it was not a question of “splitting hairs” (“Wort-klauberei”) because “language creates reality” (“Mit Sprache schafft man Realität”).

This subject has also been discussed by the working group on “improving conditions for the nomadic way of life and promoting the culture of the Yenish, Sinti and Roma in Switzerland” which has been pressing the competent federal authorities for public confirmation of the fact that all Swiss Yenish and Sinti,<sup>48</sup> both itinerant and non-itinerant, are recognised as a national minority within the meaning of the Framework Convention and that, through this recognition, the idea is to promote not only the nomadic way of life, but also the culture of the Yenish and Sinti. A second objective is that, depending on the context, the federal administration should use the specific names Yenish, Sinti<sup>49</sup> and Roma for the different groups rather than the blanket term “Travellers”.<sup>50</sup> The cantonal and municipal authorities as well as the media should be alerted to the fact that, where appropriate, the term “Travellers” should no longer be used. The Action Plan which is currently being prepared by the Confederation (see Part One, section D, paragraph 25 above) is expected to incorporate these measures, which fall within its ambit.

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<sup>45</sup> German version of the petition: “Jenischen und Sinti”; French version: “Yéniches et Manouches/Sinti”.

<sup>46</sup> It is important to note here that while they welcome this move, the Swiss Yenish represented by the “European Yenish Union” (see paragraph 6 above), have said that, as nomads, they wish to retain their name “Travellers” and the rights that go with it.

<sup>47</sup> “Sinti” encompasses the French term “Manouches” used by persons belonging to this group in Switzerland.

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> The present report has been written in such a way as to accommodate this objective. Subject to any passages taken from previous monitoring cycles, in particular the conclusions and recommendations of the Advisory Committee and the Committee of Ministers, which used the non-specific, generic term “Travellers”.

62. Under these circumstances, in order to take account of the right of the Swiss Yenish and Sinti/Manouches to name themselves, which flows from the right to self-determination of national minorities (Art. 3 of the Framework Convention), **the Swiss Government** wishes to take this opportunity to publicly confirm that **all Swiss Yenish and Sinti/Manouches, itinerant and settled, are recognised as a Swiss national minority within the meaning of the Council of Europe Framework Convention for the Protection of National Minorities.**

**B.** Recognition of new national minorities. The issue of Switzerland's Roma

63. There being no definition of the notion of "national minority" in the Framework Convention, Switzerland has made use of the discretion granted to the Contracting Parties to interpret this concept and determine to whom it applies. On ratifying the Framework Convention in 1998, Switzerland made the following declaration therefore:

*"Switzerland declares that in Switzerland national minorities in the sense of the framework Convention are groups of individuals numerically inferior to the rest of the population of the country or of a canton, whose members are Swiss nationals, have long-standing, firm and lasting ties with Switzerland and are guided by the will to safeguard together what constitutes their common identity, in particular their culture, their traditions, their religion or their language."*

At the time of ratification, Switzerland considered that the following met the criteria set out in the interpretative declaration and were therefore recognised as Swiss national minorities:

- national linguistic minorities, namely the French-, Italian and Romansh-speaking minorities, persons belonging to the German-speaking minorities residing in the Cantons of Fribourg and Valais, French-speakers in the Canton of Bern
- Swiss "Travellers"<sup>51</sup>
- members of Switzerland's Jewish communities.

64. The interpretative declaration made by Switzerland implies a flexible approach to the personal scope of application of the Framework Convention and involves regularly reviewing the situation.

The first two cycles of monitoring of Switzerland's implementation of the Framework Convention did not give rise to any requests or discussion concerning new national minorities. In the third monitoring cycle, the question as to whether Switzerland's Muslims might be recognised as a national minority was raised, although no request for recognition was made (see also under Article 6, section C.4 below). During the consultations for the purpose of preparing this report, the cantons were asked whether they considered it appropriate, in the light of the criteria laid down in the interpretative declaration made by Switzerland when ratifying the Framework Convention, to recognise any other linguistic, cultural or religious minorities as

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<sup>51</sup> On this generic term, see section A above.



national minorities. Generally speaking, the cantons were somewhat diffident in their replies, saying that they could not see which communities – within their own territory or in the country at large – could currently be said to meet all the requisite criteria. The canton of Neuchâtel did note, however, that in future, depending on the length of time for which they had had ties with Switzerland, consideration should be given to the question of whether to recognise communities from migrant backgrounds which are now a constituent part of the Swiss population.

65. During the fourth monitoring cycle, **a request was made by various Swiss Roma organisations** in April 2015. Switzerland's Roma had never made any requests before, even though they had been consulted when drafting the third periodic report on implementation of the Framework Convention. Two organisations based in the Zurich region, the "Roma Foundation" and "Romano Dialog", wrote to the Federal Department of Foreign Affairs (DFAE) requesting recognition: 1° for Switzerland's Roma as a national minority within the meaning of the Framework Convention and 2° for Romanes as a non-territorial minority language within the meaning of the European Charter for Regional or Minority Languages. In support of these requests, the aforementioned Roma organisations cited the fact that Switzerland was currently home to large numbers of inhabitants of Roma origin (although they did not give any figures), who possessed their own language and culture. Reference was also made to the fact that Roma communities had been granted national minority status in other states.

66. In June 2015, the "Roma Foundation" and "Romano Dialog" met with officials from the competent departments of the federal administration to exchange information.

In the course of the meeting, participants looked at the cumulative tests for recognition as a national minority, as set out in Switzerland's interpretative declaration.

67. In January 2016, in response to a request from the "Roma Foundation", the Swiss Centre of Expertise in Human Rights (SCHR) issued a legal opinion on recognising the Roma as a minority in Switzerland.<sup>52</sup> The "Roma Foundation" told the SCHR that recognising Switzerland's Roma as a distinct group and as a minority would help them to combat the stigmatisation to which they were subjected in their everyday lives and in the media and would encourage them to assert their identity. It would also make it easier for them to promote their language and culture.

The SCHR concluded that, on the subject of the tests for recognition as a Swiss national minority, the Roma must provide evidence that they were already present in Switzerland as a group with its own identity – and not merely as individuals – by the end of the 19<sup>th</sup> century at the latest and that they had structures in place at the time to ensure their integration in a larger social entity. The Roma must also show how many members of their community are Swiss nationals (not including the Sinti

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<sup>52</sup> The SCHR study (in German), with an executive summary in English, is available at: <http://www.skmr.ch/frz/domaines/questions-institutionnelles/publications/index.html>

and the Manouches).<sup>53</sup> As for the “the will to safeguard together what constitutes their common identity” test, this requires firstly that the request for recognition have the backing of virtually all Roma organisations operating in Switzerland and, secondly, that the Roma community show that its cultural traditions are still alive today.

68. In September 2016, the Roma association “Romano Dialog” presented the relevant federal departments with a report which it had commissioned from the historian Dr. Thomas Huonker, “with a view to securing full recognition for the Roma as a Swiss national minority – in the light, and to mark the end, of a centuries-old policy of rejection and exclusion” (“im Hinblick auf eine vollumfängliche Anerkennung der Roma als nationale schweizerische Minderheit - in Kenntnis und Abkehr von einer jahrhundertelangen Politik der Abwehr und Ausgrenzung”).

In November 2016, the “Roma Foundation” presented the federal departments concerned with a report which it had prepared on the Roma’s ties with Switzerland.

69. The working group on “improving conditions for the nomadic way of life and promoting the culture of the Yenish, Sinti and Roma in Switzerland” has discussed the various ways and means of recognising Switzerland’s Roma as an integral part of Swiss society. The proposal that they be recognised as a national minority within the meaning of the Framework Convention for the Protection of National Minorities which was put forward by various Swiss Roma organisations has also been discussed with the various competent federal departments outside the context of the working group (see paragraph 66 above). A dialogue has thus been initiated on the subject with the federal authorities. It is too early at this stage, however, to give a decision on the request for recognition as a national minority because the Roma organisations which made the request have not yet provided the Swiss authorities with all the additional information which the latter consider necessary and which they requested regarding the criteria set out in Switzerland’s interpretative declaration, in particular as regards the will to safeguard together what constitutes their common identity. This process is under way and the federal administration is continuing its review.

70. During the consultations for the purpose of preparing this report, the cantons and the towns/municipalities were asked where they stood on the request by various Roma organisations that Switzerland’s Roma be recognised as a Swiss national minority within the meaning of the Framework Convention. Of the fifteen cantons which expressed an opinion, one was against such recognition and one wholeheartedly supported it. The other cantons said they might support such a move if Switzerland’s Roma provided the information needed to show that they met the cumulative criteria for recognition as a Swiss national minority. Several of them mentioned the benefits of recognition as a national minority for combating prejudice and stigmatisation. The Union of Swiss Towns (UVS) felt it was essential that the different Roma organisations in Switzerland co-ordinate themselves and defend their

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<sup>53</sup> See German version of the opinion, p. 14, first paragraph, *in fine*.

interests and press their claim for recognition together. The canton of Neuchâtel knows of no local Roma organisations nor of any established Roma communities residing within its territory. In the view of the canton of Ticino, it is vitally important that Switzerland's Roma community highlight its distinctive historical and cultural aspects in its request.

It should also be noted that, during these consultations, "Radgenossenschaft der Landstrasse" came out in favour of recognising Switzerland's Roma as a national minority within the meaning of the Framework Convention.

71. One final point to note here is that, alongside the discussions about recognition as a national minority, the Confederation promotes other ways of recognising the Roma's place in Swiss society and has supported various projects in this area.

For example, the Service for Combating Racism (SLR) is providing CHF 35 000 in funding for a study on the Roma in Switzerland commissioned by the "Roma Foundation" from the University of Lausanne. The aim of the study is to counter simplistic and racist stereotypes about the Roma by providing a more realistic picture, backed by statistics. The plan is to gather data about the Roma population in Switzerland as a basis for a quantitative and qualitative assessment. The findings will be presented in an appropriate form, for perusal by the administration, policymakers, NGOs, the media and the public at large.

The SLR is also funding a project by "Pädagogische Hochschule der FHNW (Zentrum Politische Bildung und Geschichtsdidaktik)" entitled "Zur Lage der Roma und anderer (ehemals) als "Zigeuner" diskriminierter Minderheiten in Europa" to the tune of CHF 24 000. The project aims to provide impetus for history teaching and to develop teaching material. It is helping to break down the prejudice and negative stereotypes that foster discrimination against people considered "Gypsies".

At the same time, over the past ten years, the SLR has supported schemes to disseminate Roma culture in a way that transcends the usual clichés, along with mediation schemes with poorer Roma originating from eastern Europe.

As for the Federal Office of Culture, in 2016 it provided CHF 20 000 in funding for an awareness-raising arts project by the Roma organisation "RJS Art Kollektiv" in connection with the "Manifesta 11" exhibition in Zurich.

#### ARTICLE 4

1. *Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.*
2. *The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and*

*effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.*

*3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.*

#### **A. Legal protection and remedies against discrimination**

Other recommendations contained in the 3rd Committee of Ministers Resolution included the following: *“the Advisory Committee invites the authorities to continue and to intensify their efforts to improve public knowledge of the legal remedies available against discrimination, notably by devoting special attention to those persons who are most exposed to discriminatory attitudes, so that they can obtain comprehensive information on their rights and the existing remedies”*.

##### **1. The legal guide to racial discrimination**

72. Produced in connection with the “Consultation Network for Victims of Racism” (see section C below), the legal guide published by the Service for Combating Racism (SLR) gives practical advice on how to defend oneself from racial discrimination in all areas of everyday life and on the legal remedies available. The guide is currently being revised to reflect changes and experiences on the ground, and in order to better meet the needs of the counselling centres set up under the cantonal integration programmes (PICs) (see A.2 below).

In addition, the SLR offers in-service training in connection with the guide to facilitate the transition from theory to practice. Since March 2013, more than 500 people from cantonal and municipal authorities, mediation services, integration offices, trade union federations and civil society organisations have attended training sessions, from among the 40 courses available. These courses are also offered under the cantonal integration programmes, to train and raise awareness among cantonal and municipal authority staff.

##### **2. Protection against discrimination in cantonal integration programmes (PICs)**

73. According to a 2011 Federal Council decision, promoting integration must go hand in hand with combating discrimination and removing structural and individual barriers preventing access to housing, work, training and recreation, among other things. Since January 2014, efforts have been under way to implement this principle through the cantonal integration programmes (PICs) jointly agreed and funded by the cantons and the Confederation. Specifically, the cantons undertake to adopt measures so that victims of discrimination can receive advice from competent individuals and so that mainstream establishments receive support and advice in matters concerning protection against discrimination. In order to achieve these goals, the cantons either operate alone or form regional alliances (e.g. the cantons of central Switzerland, with help from the Kompetenzzentrum für interkulturelle

Konflikte TikK). The setting-up of the PICs has helped to provide a specific framework for action against racism and discrimination. The measures envisaged benefit all sections of the population, including therefore Swiss nationals who have been discriminated against because of their skin colour, religion or way of life.

Measures to raise awareness of discrimination and racism are often taken in the context of partnerships between the cantons and towns/municipalities. Sometimes too, they are launched at local level. Various towns are involved in campaigns against racism, and eight Swiss towns belong to the European Coalition of Cities Against Racism (ECCAR).

Some examples of cantonal projects pursued under PICs:

The canton of Jura runs training courses for professionals who might have to deal with cases of discrimination and also for public authority staff, to sensitise them to cultural diversity and discrimination. The canton has also set up a counselling centre for victims and witnesses of discrimination related to migration and has created a network to enable professionals to communicate with one another about any instances of discrimination that come to their attention.

The canton of Neuchâtel is planning to introduce a charter to promote diversity within the cantonal administration, along with a series of measures to encourage non-discrimination at all levels.

The canton of Vaud has developed several projects under the PIC. Examples include a service where staff are permanently on hand to provide advice and guidance to victims of discrimination, monitoring of local discrimination cases, discrimination training and awareness raising for various target groups and a forum for discussion with all the partners involved.

Notable examples of action by the canton of Geneva include setting up an independent advisory centre for victims of racism.

The canton of Basle-City supports protection against discrimination under the cantonal integration programme 2014-2017 in a number of ways: membership of ECCAR, assessment and identification of needs in advice and assistance services, introduction of the cantonal round table on protection against discrimination, public awareness campaign, support for the Stop Racism counselling service, the Round Table of Religions in the Two Basle Cantons, introductory course and quality assurance in the field of court interpreting.

In March 2016, the canton of St Gallen together with the canton of Appenzell Outer Rhodes gave "l'Entraide Protestante Suisse" (EPER) a mandate to provide advice in racial discrimination cases. Four months after it opened, the EPER'S new advice service specialising in discrimination and racism had already dealt with a dozen cases. As well as this new service, measures are being implemented for the cantonal administration and refresher courses organised. A member of ECCAR since 2012, the

town of St Gallen is actively involved in the fight against xenophobia and discrimination.

Operating under a mandate from the canton of Solothurn, the Stop Racism counselling centre provides advice and support to victims of discrimination.

In the canton of Thurgau, migrants can seek advice about discrimination issues from designated professionals who, if necessary, will refer them to the appropriate agencies.

## B. Anti-discrimination legislation

Other recommendations made in the 3<sup>rd</sup> Committee of Ministers Resolution included the following: *“The Advisory Committee calls on the authorities to reconsider their position concerning the possible adoption of comprehensive anti-discrimination legislation”*.

74. The lack of comprehensive anti-discrimination legislation is a reflection of Switzerland’s monistic tradition and its federalist system. The sectoral approach, which involves codifying the prohibition of discrimination sector by sector, allows agencies to respond in the manner most appropriate to each specific area (gender equality, equality of people with disabilities, etc.). The federal parliament and the Federal Council consider that the existing legal instruments provide effective protection against discrimination. As well as the anti-racism rule (Art. 261 *bis* of the Criminal Code), there are numerous provisions in the Federal Constitution, private law, criminal law and administrative law which can be used to combat discrimination.

The Federal Council does nevertheless believe that there is a need to improve awareness of these legal remedies and to take steps to further facilitate access to justice. With the PICs (see section A.2 above), the counselling services available in the cantons aim to better support victims of racial discrimination. The legal guide and the in-service training provided by the Service for Combating Racism (SLR) are likewise a move in this direction. In addition, the Federal Council has expressed its support for a study on the effectiveness of existing law, as called for in Martin Naef's postulate (see paragraph 70 below) and has said it is willing to conduct a thorough review of any aspects that might be flagged up by such a study.

75. On 14 June 2012, the national councillor Martin Naef tabled postulate 12.3543 in which he instructed the Federal Council to present a report on protection against discrimination. According to Mr Naef, discrimination based on gender, origin, race, age, language, social position, disability, sexual orientation, lifestyle and religious, ideological or political beliefs, transsexuality and intersexuality is still far too common. While there are a few statutory provisions which provide protection against discrimination, their scope will remain limited unless effective implementing instruments are put in place. Mr Naef asked the Federal Council to show how the existing law protects against discrimination and to demonstrate the effectiveness of

the legal instruments already in place. On 5 September 2012, the Federal Council moved that the postulate be accepted, and it was then adopted by the National Council on 14 December 2012.

Back in May 2012, the federal authorities had mandated the Swiss Centre of Expertise in Human Rights (SCHR) to look at how access to justice was secured for victims of discrimination in Switzerland. The SCHR study “Access to justice in discrimination cases” has been available since the end of July 2015.<sup>54</sup> Its findings have been incorporated into the Federal Council report following the Naef postulate. The SCHR has specifically stated that it does not recommend introducing general legislation that would cover all grounds of discrimination and replace the special statutes. In its study, it shows how the issues vary considerably from one type of discrimination to another, making it impossible to adopt a single overarching set of rules. General legislation might undermine the achievements to date and weaken existing provision. The SCHR concludes that Art. 8, paragraphs 2 to 4, of the Constitution, the Federal Law on Gender Equality (LEg), the Law on Equal Rights for Persons with Disabilities (LHand) and Art. 261 *bis* of the Criminal Code mean that Switzerland has robust safeguards against discrimination, but only in the sphere of public law. It considers that the situation is unclear and patchy in private law, despite the provisions on protection of the personality (Art. 27 et seq. of the Civil Code). In the SCHR’s opinion, the small number of cases which come to court shows that victims do not realise private law offers protection against discrimination and that there is a general lack of awareness. It therefore recommends introducing a private-law ban on discrimination, for example, to complement Art. 27 et seq. of the Civil Code.

On 25 May 2016, the Federal Council published its report in response to the Naef postulate,<sup>55</sup> in which it refrained from endorsing all of the SCHR’s recommendations, including for example the one calling for the introduction of a blanket ban on discrimination in private law to complement Art. 27 et seq. of the Civil Code. In its opinion, that is not an appropriate solution. Such legislation would reignite the debate because firstly it would create expectations that not even a detailed definition of protection against discrimination would be able to satisfy and, secondly, it would be tantamount to a general anti-discrimination act, something which the federal parliament has always rejected and which the SCHR has specifically refrained from recommending. The SCHR recommends introducing tougher penalties under Switzerland’s labour laws. The Federal Council will study the SCHR’s recommendation during the pending review of the law on protection against dismissal and the ongoing discussions, including notably within the Tripartite Commission on ILO (International Labour Organization) Affairs. In the opinion of the Federal Council, furthermore, the general lightening of the burden of proof in discrimination cases as proposed by the SCHR is unrealistic, as it would require a consensus on the fact that victims who fall into this category deserve better

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<sup>54</sup> The summary report on the SCHR study is available in French and German at: <http://www.skmr.ch/frz/domaines/genre/publications/etude-discrimination.html>

<sup>55</sup> The Federal Council report of 25 May 2016 is available in French and German at: <http://www.skmr.ch/frz/domaines/genre/publications/etude-discrimination.html>

protection than people who have been wrongfully dismissed. As well as being fundamentally unsound, such a proposal is unlikely to garner sufficient political support. In the Federal Council's view, it is important to widen the opportunities for extrajudicial conciliation procedures. The SLR's "Legal Guide to Racial Discrimination", which is to be revised between now and 2017, will give more emphasis to alternative dispute resolution.

As regards raising awareness among the persons concerned of the possibilities concerning protection and advice, the Federal Council considers that that is an ongoing task, which is best tackled according to the particular type of discrimination in question. It believes it is important to undertake awareness raising in relation to multiple discrimination, an issue that was not examined in detail in the SCHR study. The counselling services, members of the bar association and law enforcement agencies must consider, in specific cases, the possibility that there has been multiple discrimination, so as to be able to take co-ordinated action. Some thought should be given to possible information measures. For the time being, the Federal Council sees no need for action on the legal front.

### C. Statistical data on discrimination

Other recommendations made in the 3<sup>rd</sup> Committee of Ministers Resolution included the following: *"The Advisory Committee calls on the authorities [...] to continue systematically collecting statistical data in matters of discrimination in order to monitor the situation"*.

76. The "Consultation Network for Victims of Racism" is run by "Humanrights.ch" and the Federal Commission against Racism. Funded partly by the Service for Combating Racism, in 2016 the network spanned 26 specialised agencies, all over Switzerland, offering counselling in cases of racial discrimination. Its main purpose is to support the associated agencies in their work. The Consultation Network publishes an annual report "Racist incidents dealt with in counselling". The latest annual report, published in 2015,<sup>56</sup> indicates that between January and December 2015, the counselling centres recorded 239 racist incidents. According to the Consultation Network's monitoring report, in 2015 as in previous years, most of the cases of discrimination reported related to the workplace. For the year under review, the most common type of discrimination was discriminatory language and the most commonly cited reason was xenophobia, followed by anti-Black racism. Anti-Muslim racism increased: 53 cases were reported to the centres. Twelve anti-Semitic incidents were dealt with in counselling, 3% more than during the previous period.<sup>57</sup>

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<sup>56</sup> <http://www.ekr.admin.ch/documentation/f107/1288.html>  
ou <http://www.network-racism.ch/accueil.html?changelang=2>

The 2016 annual report will be published in June 2017.

<sup>57</sup> The CICAD has pointed out that this database contains only cases in which the counselling centres were involved and that it does not give the full picture. The CICAD counted 164 cases of anti-Semitism in French-speaking Switzerland in 2015 (see paragraph 95 below).



77. Racial discrimination is a multidimensional phenomenon. The relevant databases, therefore, operate at various levels (racist views and attitudes; cases recorded by counselling centres; infringements dealt with by the police; court orders, convictions<sup>58</sup>), with the result that no single general survey or compendium could cover all the relevant data. The report which the Service for Combating Racism publishes every other year on racial discrimination and racism in Switzerland<sup>59</sup> provides an overview of the available data; it performs a monitoring function that makes for more systematic observation of any changes in the situation and, at the same time, more comprehensive public information.

78. It should further be noted that Switzerland's efforts to collective statistical data on hate crimes are being hampered by the fact that the Swiss Criminal Code does not contain any provision equivalent to the prevailing international concept of hate crime.<sup>60</sup> Swiss criminal law does not specify the characteristics that would lead to a racially motivated offence being treated as a hate crime, and, as such, placed in a particular category, investigated in a particular way and punished more severely than if it were not a hate crime.

#### D. National human rights institution

79. As stated in the 3<sup>rd</sup> periodic report of January 2012 (see paragraph 28), since there was no consensus at the time for setting up a fully-fledged national human rights institution, the Federal Council decided in July 2009 to launch a five-year pilot project under which the Confederation would purchase services from an academic centre of excellence to the tune of CHF 1 million per year. The Centre, known as the "Swiss Centre of Expertise in Human Rights" (SCHR) began operating in spring 2011. At the end of its first four years, in spring 2015, as planned, an independent review of the Centre was carried out by econcept AG in association with the Ludwig Boltzmann Institut für Menschenrechte in Vienna. According to the findings of this review, the Centre has mainly carried out studies (51 over the period under review) and organised theme days (28). There have also been other projects in the form of workshops, training, brochures, handbooks, translation and moderating (23 in total). The quality of the work was rated good or very good. The Centre did not manage, however, to perform all the tasks set out in the Federal Council's report of July 2009 owing to the kind of structure chosen, and in particular the fact that it has only limited scope for exercising initiative. While the Centre has played a part in improving human rights policy, raising public awareness has proved more difficult. The Centre's lack of formal independence was deemed to be the biggest issue for the pilot project. The large majority of those interviewed were in favour of establishing a permanent institution.

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<sup>58</sup> See Part Two, section B.7 above, on the statistical overview published by the CFR on decisions and rulings delivered pursuant to the prohibition of racial discrimination enshrined in the Criminal Code.

<sup>59</sup> See the last report 2014: [http://www.ekr.admin.ch/pdf/Discrimination\\_raciale\\_en\\_Suisse.pdf](http://www.ekr.admin.ch/pdf/Discrimination_raciale_en_Suisse.pdf)  
The 2016 report will be published in spring 2017.

<sup>60</sup> See Part Two, section B.1.a. above.

80. On 1 July 2015, the Federal Council considered the evaluation report. It decided to extend the pilot project for five years and instructed the competent federal departments (DFAE and DFJP) to suggest various options for long-term regulation. On 29 June 2016, the Federal Council decided to establish a national human rights institution, building on the current arrangement. Like the SCHR, the new institution will be part of the university sector. It will be independent from the government and will receive basic, untied funding from the Confederation. It will be free to act on its own initiative and to address such topics as it considers relevant for the performance of its task. It will make practical recommendations for the authorities, civil society and the private sector and will serve as a forum for discussion between these stakeholders and bodies operating in the human rights field at every level of government. The new institution will also be able to accept mandates and so play its role as a service provider. The Federal Council has instructed the DFAE and the DFJP to produce a draft for consultation purposes by the end of June 2017.

## ARTICLE 5

1. *The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.*
2. *Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.*

### A. Financial aid granted to associations of Travellers, Yenish and Sinti/Manouches

Other recommendations made in the 3<sup>rd</sup> Committee of Ministers Resolution included the following: *“the Advisory Committee once again invites the authorities to increase substantially its financial aid for Travellers’ associations, particularly the Foundation “A Future for Swiss Travellers” so that they enjoy sufficient resources for conducting their work, notably in view of the new perspectives provided by the Federal Law on the Promotion of Culture (LEC), which is intended, inter alia, to enable Travellers to lead the way of life which corresponds to their culture.”*

81. In the Message on Culture 2016-2020,<sup>61</sup> a total of CHF 3.8 million (CHF 700 000-800 000 per annum) has been allocated to activities supporting “Travellers” in accordance with Article 17 of the Federal Law on the Promotion of Culture (LEC). This represents an increase of approximately CHF 300 000 per annum. The use of these funds, which will primarily support the creation of sites and cultural projects, will be detailed in the Action Plan currently being developed by the Confederation, based on the findings of the working group on “improving conditions for the nomadic way of life and promoting the culture of the Yenish, Sinti and Roma in Switzerland.”

The “A Future for Swiss Travellers” foundation has been granted additional funding since 2016 to support cultural projects set up by the minorities themselves. These projects are selected by the Foundation’s board.

The umbrella association “*Radgenossenschaft der Landstrasse*” will receive an annual grant as well as a mandate to preserve and document Yenish culture in Switzerland,<sup>62</sup> and to carry out its role monitoring and guiding the creation and upkeep of sites in the cantons. The organisation also acts as a mediator in the

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<sup>61</sup> See Part Two, section A.4 above.

<sup>62</sup> The documentation centre of “*Radgenossenschaft der Landstrasse*”, which is also a meeting place, serves as a museum, archive centre and advice bureau. It is the only one of its kind in Europe.

development and implementation of school-based projects for children with semi-nomadic parents.

Other financial resources have been allocated to the areas of education and culture, and to encourage cantons to draw up plans for the development of stopping places and short-stay areas for those Yenish and Sinti/Manouches who travel.

**B. Promotion of the Yenish language**

82. According to the Message on Culture 2016-2020, the Swiss authorities wish to continue their efforts to support the Yenish culture and language.

A project documenting Yenish language and culture – supported by the Federal Office of Culture – on which a group of Yenish people and a film director had been working for over ten years, was suspended prior to its release at the request of a group from within the minorities concerned. In effect, certain Yenish groups were strongly opposed to the idea of their language being shared or made accessible to a wider audience; they wished to preserve its status as a sociolect.

The Confederation is prepared to continue financing follow-up projects by the Yenish for the Yenish, on condition that the different Yenish groups agree on the target audience and the value of documenting the Yenish language.

It should be noted that “Radgenossenschaft der Landstrasse” is active in transmitting the Yenish language among the Yenish people. For example, it organises afternoon language sessions for Yenish children.

**C. Promotion of Yenish, Sinti/Manouche and Roma arts and culture**

83. The working group on “improving conditions for the nomadic way of life and promoting the culture of the Yenish, Sinti and Roma in Switzerland” has examined several options for promoting Yenish, Sinti/Manouche and Roma arts and culture. Most notably, the possibility of Yenish culture being added to the “Inventory of Living Traditions in Switzerland” was discussed. The Confederation is expected to include this point in the action plan currently being drafted.

Since 2016, the “A Future for Swiss Travellers” foundation” has been making more funds available for cultural and awareness-raising projects. Both organisations and individuals can apply to the foundation for project funding (see paragraph 81 above).

**D. Promotion of national languages and understanding between linguistic communities**

84. As stated in the 3<sup>rd</sup> periodical report (paragraph 30 et seq.), in accordance with the Federal Law on Languages of 5 October 2007 (LLC), the Confederation supports

national languages and the promotion of understanding between the linguistic communities through the following strategic priorities:

- official languages of the Confederation: improving the language skills of Confederation staff and representation of the linguistic communities within the federal administration;
- promoting understanding and exchange between the linguistic communities: promoting school exchanges and applied research in the field of multilingualism;
- encouraging the teaching of national languages and knowledge of the home language among allophones, promoting understanding between linguistic communities;
- support for multilingual cantons (Bern, Fribourg, Graubünden and Valais) in specific tasks related to multilingualism which are incumbent on their political and legal authorities, their administration or their education system;
- support for the cantons of Graubünden and Ticino in promoting and safeguarding the Italian and Romansh languages and cultures.

An annual contribution of CHF 13 million has been allocated to three areas under the Federal Law on Languages (LLC): understanding and exchange, multilingual cantons, and protection of the Italian and Romansh languages and cultures.

85. Within the framework of the Message on Culture 2016-2020, and having observed a decline in knowledge of the national languages across Switzerland, the Federal Council has set the following priorities for its linguistic policy for the period 2016-2020:

- Encouraging school exchanges:<sup>63</sup> the aim is to enable as many young people as possible to participate in a national exchange project at least once during their school career. To this end, the Federal Council intends to support exchange projects directly (and not merely indirectly, via a basic allowance, as is currently the case) and to expand school exchanges to include those in occupational training as well as teaching staff.
- Promoting Italian language and culture outside Italian-speaking Switzerland:<sup>64</sup> First and foremost, the Confederation and the cantons wish to improve the general conditions for the teaching of Italian (for example, by offering academic support to pilot projects and by developing teaching materials). Secondly, the Confederation hopes to develop bilingual training sessions which include Italian. Thirdly, it intends to promote the status of the Italian language by supporting cultural events.

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<sup>63</sup> See under Article 12, section B below.

<sup>64</sup> See under Article 14, section B below.

## ARTICLE 6

1. *The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.*
2. *The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.*

- A. Promoting respect for and understanding of Yenish, Sinti/Manouche and Roma culture

Other recommendations made in the 3<sup>rd</sup> Committee of Ministers Resolution included the following: *“the Advisory Committee recommends that the authorities intensify their efforts to raise the population’s awareness of the traditional way of life of the Travellers<sup>65</sup> and to promote intercultural dialogue in order to increase mutual understanding, trust and acceptance of the different traditions, culture and way of life of this community.”*

86. It is not unusual for the majority population to know nothing, or very little, about Yenish and Sinti/Manouche culture, or the lifestyle and needs of those who travel. As a result, projects to create stopping places and short-stay areas often go hand in hand with measures aimed at promoting acceptance of the minority by the majority population and at creating a climate of trust. It is therefore vital that systematic efforts be made to raise awareness.

In this regard, the working group on “improving conditions for the nomadic way of life and promoting the culture of the Yenish, Sinti and Roma in Switzerland” has discussed the importance of nominating a contact person in every canton to listen to the needs of those with an itinerant lifestyle.

87. The Yenish in French-speaking Switzerland undertook an “awareness-raising tour,” starting in May 2016, in order to share their way of life and culture with others. Festivals, supported by the Federal Office of Culture (OFC), were held in Yverdon-les-Bains, Neuchâtel and Lausanne. Events included an exhibition of photographs and personal testimonies, as well as concerts and a handicrafts/flea market.

88. The Roma in Switzerland have also carried out several projects to improve awareness of their culture, some of which have received support from the Confederation (see under Article 3, section B above).

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<sup>65</sup> Council of Europe terminology.

In September 2016, the association “Romano Dialog” gave a presentation on the Roma in Switzerland as part of the traditional Yenish and Sinti celebration “Feckerchilbi”, which the association had been invited to.

89. Several representatives of the Swiss authorities have participated in initiatives organised and carried out by the Yenish and Sinti/Manouches for the purpose of raising awareness among the majority population about their traditions, culture and lifestyle, and showing support for these communities.

In June 2016, the Swiss branch of the “Society for Threatened Peoples” held an event to commemorate the 30<sup>th</sup> anniversary of the apology to the Yenish who had been victims of the “Operation Children of the Highway” scheme. The director of the Federal Office of Culture, who was among the guests, introduced a round table discussion about the current situation with regard to the Yenish and Sinti/Manouche minorities in Switzerland. On the subject of recognising “Travellers” as a Swiss national minority, she pointed out that this was an umbrella term covering all Yenish and Sinti/Manouches, nomadic or sedentary.

As a result of another civil society initiative, in June 2016, the president of the National Council (the chamber of the federal parliament that represents the citizens) received a delegation of Swiss Yenish for a discussion.

On 15 September 2016, the head of the Federal Department of Home Affairs (DFI), Alain Berset, officially opened “Feckerchilbi,” the Swiss Yenish and Sinti/Manouches’ traditional festival, which, for the first time, was held in the city of Bern, in the hope of generating more publicity.<sup>66</sup> The DFI’s Federal Office of Culture provided financial support for the event and the city of Bern also contributed CHF 70 000 to show that “the culture of the Yenish and the Sinti/Manouches is an integral part of Swiss society and identity.”

90. Since 2013 (when the third opinion on Switzerland was published), the DFI’s Service for Combating Racism has supported 11 projects related to anti-Gypsyism, to the tune of CHF 133 000.

91. The cantons have also been promoting projects to combat anti-Gypsyism.

When a temporary site was opened in 2014, the canton of Jura took several measures, involving the media and various events, to raise public awareness about the Yenish minority. As a result, the Yenish now live alongside the rest of the population without any problems.

Around 50 municipalities participated in a round table discussion organised by the canton of Vaud in Yverdon-les-Bains at the end of 2015. A brochure explaining the

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<sup>66</sup> On the statements made by the head of the DFI, see paragraph 61 above.

traditions and needs of the Yenish was produced in collaboration with a representative from the community.

The canton of Geneva financed a project (CHF 19 500 in 2015 and CHF 25 000 in 2016) which specifically seeks to combat anti-Gypsyism directed at the begging communities among migrant Roma. The idea is to introduce a system of intercultural mediators who can intervene in conflicts involving Roma, the population of Geneva or public institutions such as schools, hospitals, the police, highway maintenance, etc. In short, this project seeks to deconstruct stereotypes and prejudice faced by the Roma.

The canton of Solothurn regularly supports “Radgenossenschaft der Landstrasse” projects through its lottery funds. In 2015, for example, it was able to contribute to the “Feckerchilbi Bern 2016” project and, in 2016, to a travelling exhibition about Yenish and Sinti/Manouche culture in Switzerland. Over the last three years, the canton of Zug has also allocated CHF 10 000 in lottery funds to two “Radgenossenschaft” projects designed to make the Yenish and Sinti/Manouche culture in Switzerland more accessible to the general public: the documentation centre in Zurich and the travelling exhibition about Yenish and Sinti/Manouche culture in Switzerland.

In Ticino, the Department of Institutions (DI) set up an operational unit for questions relating to Travellers in 2006. The unit currently consists of the Secretary-General of the DI, a cultural mediator and a representative from the cantonal police. Its mission is to familiarise itself with the different Yenish, Sinti/Manouche and Roma communities present in the canton and to manage issues affecting them. Various awareness-raising activities have been carried out over the past few years on the subject of “Yenish/Sinti/Manouche/Roma.” In 2007, in co-operation with the cantonal mediator (from the DI), a photo exhibition about the extermination of the Gypsies was presented to various classes at secondary school level. Pupils also had the chance to take part in interactive sessions based on empathy-building role play exercises inspired by the educational pack published by the Council of Europe<sup>67</sup> as part of the European campaign against racism, “All different, all equal.” The interactive sessions are currently being led by the association “Specchiati e Rifletti” and aim to arouse curiosity about others different from ourselves, whilst avoiding stereotypes. In addition, certain classes were invited to meet Swiss Yenish people staying in the canton of Ticino during the spring and summer. In 2009, the theatre troupe “Sugo d’inchostro” put on a play about the Yenish, Sinti/Manouche and Roma entitled “Ma ke razza di treno,” which was performed in schools as an accompaniment to the interactive sessions run by the “Specchiati e Rifletti” association. The experience of awareness raising in schools has allowed pupils in Ticino to reflect upon the way in which they react when they encounter different cultures, particularly the culture of the Yenish, Sinti/Manouches and Roma.<sup>68</sup> In

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<sup>67</sup> All different/all equal, DOMINO-Education pack (2004); Repères (2002); Agire contro il razzismo (2005); Eckmann (2002).

<sup>68</sup> The results can be found in the doctoral thesis of Nadia Bizzini (2016, currently being printed).



2010, the director of the DI organised a series of meetings between the media and foreign Roma, facilitated by the cultural mediator. This experience, particularly the dynamics of the relationship between the Roma and the journalists, revealed a mutual mistrust which is deeply entrenched on both sides. Attempts to assuage these feelings have yielded few results; either because the journalists participating in this initiative were already aware of the issues, or because the few Roma who were involved were reluctant to take part in the exercise. Mistrust between the Roma and journalists seems to be mutual, therefore, and undoubtedly has a negative impact on the quality of information produced.

92. Finally, it is worth noting that on 15 September 2016, the Swiss federal parliament adopted a draft law providing for CHF 300 million in financial compensation for victims of abuse in orphanages and foster homes prior to 1981, including Yenish children taken away from their parents. The law will enter into force in April 2017 and will enable a solidarity contribution (“contribution de solidarité”) of CHF 25 000 to be paid to claimants who can demonstrate their victim status.

**B. Promoting respect and tolerance towards the Jewish minority<sup>69</sup>**

**1. The current situation regarding anti-Semitism**

93. Recent empirical studies have confirmed that anti-Semitism in Switzerland is less widespread than other racist ideologies such as hatred of Muslims or black people. Surveys carried out in 2010, 2012 and 2014,<sup>70</sup> about stereotypes, negative opinions and positive opinions, showed that manifestations of racism have remained stable, or have even decreased slightly, among the Swiss as well as among foreigners in Switzerland. Nevertheless, around 10% of Swiss inhabitants expressed anti-Jewish opinions and 28% of them believe common clichés circulating about Jewish people. 15% of respondents reported having no problem with Jews despite having a critical opinion of the politics of the state of Israel. Of those, 37% said they were pro-Jewish and 10% had no opinion. Attitudes, prejudices and stereotypes are increasingly in evidence on social media sites, with an upsurge during the Israel-Gaza conflict in summer 2014.<sup>71</sup>

94. In co-operation with the Foundation against Racism and Anti-Semitism (GRA), the “Swiss Federation of Jewish Communities” (FSCI) publishes an annual report<sup>72</sup> on anti-Semitic acts which have been particularly high-profile or which were reported to the FSCI in German-speaking Switzerland. Anti-Semitic acts occurring

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<sup>69</sup> On the measures taken by the authorities to combat racism and anti-Semitism, including awareness-raising measures among the general public, see Part Two, section B above. On raising awareness about anti-Semitism among children and teenagers, see under Article 12, chapter F below.

<sup>70</sup> Surveys carried out as part of the development of the monitoring instrument “living together in Switzerland.” See Part Two, section B.4 above.

<sup>71</sup> See paragraphs 43 and 44 above.

<sup>72</sup> [http://www.antisemitisme.ch/?\\_ga=1.239516035.1096914921.1438063995](http://www.antisemitisme.ch/?_ga=1.239516035.1096914921.1438063995)

on social media receive a mention only if they have been picked up by the media and so are not identified as such. The FSCI found that there were almost three times as many anti-Semitic incidents in 2014 than in 2013, with a significant increase in anti-Semitic statements on Facebook. In 2015, the number of anti-Semitic incidents reported was considerably lower (16 compared with 66 in 2014). The FSCI and the GRA nonetheless point out that this decrease does not mean that anti-Semitic attitudes were actually less prevalent, given that in 2015, Israel was not involved in any military conflict. As the majority of incidents are not reported, the actual number is probably higher. Two worrying cases of anti-Semitic assault occurred in Zurich in 2015: in May, strangers assaulted young Jewish footballers, verbally abusing and hitting them; in July, again in Zurich, several Neo-Nazis attacked a man, shoving and verbally abusing him, and spitting on him. Heightened tensions in Israel have also given rise to anti-Semitic comments on the internet in Switzerland although not on the scale of the mass wave of threats directed at Swiss Jews during the Israel-Gaza conflict in 2014. It should be noted, however, that inhibitions about posting anti-Jewish attacks on social media remain low.

95. The “Inter-Community Co-ordination Forum Against Anti-Semitism and Defamation” (CICAD) also publishes an annual report on anti-Semitism in French-speaking Switzerland. Its approach to the subject is wider than that adopted by the FSCI: in addition to recording reported anti-Semitic acts, the CICAD also lists cases identified through its own research into opinion platforms in French-speaking Switzerland (media, social media, blogs, readers’ comments, etc.). Using this method, the CICAD recorded 164 cases of anti-Semitism in 2015. 2015 was the year with the second highest number of anti-Semitic acts and remarks (following the record high of 271 in 2014) since the first edition of the report on anti-Semitism in French-speaking Switzerland was published in 2004. More specifically, 11 acts were classified as “serious” in 2015. The majority of these involved under-20s hurling anti-Semitic abuse in public places, particularly during the months of January and February around the time of the attacks in Paris and Copenhagen. Furthermore, 153 acts of a “worrying and indicative” nature were recorded. The CICAD noted a slight improvement in the screening of comments published on French-language media sites. It was found that social networks were being used as an outlet for racism and anti-Semitism (25 acts recorded). However, no serious acts against persons or property were recorded in French-speaking Switzerland in 2015.

## **2. Protecting Jewish people and institutions from hate crimes**

96. The increase in the number of anti-Semitic acts and remarks, and the threat that this represents for Jewish people and their institutions, raises the issue of the State’s duty to protect.

In its 2016 report, the Federal Intelligence Service (SRC) noted that Swiss citizens of Jewish faith as well as Jewish and Israeli interests in Switzerland are increasingly

under threat. In its report of 1 November 2016<sup>73</sup> on the measures taken by the Confederation to combat anti-Semitism in Switzerland (see paragraph 40 above), the DFI's Federal Service for Combating Racism (SLR) confirmed that the fear felt by the Jewish community for their safety following attacks in several European countries was entirely legitimate. The threats mostly come from extremist Jihadists.

2015 saw several parliamentary initiatives concerning the protection of Jewish people and institutions. In response to a point raised by Feri Yvonne on 3 June 2015 (15.3515), the Federal Council noted that, according to the Federal Constitution, responsibility for public security and maintaining public order falls mainly to the cantons. The Confederation contributes towards ensuring security in a few specific areas such as violent extremism and terrorism. It provides prevention and law enforcement services in order to support the cantons. In the area of prevention, for example, the federal authorities (notably the Federal Intelligence Service, SRC) share their assessments of threats with the cantons, and provide them with specialist advice. Furthermore, in cases of supra-cantonal or international significance, the federal authorities co-ordinate cantonal police investigations.

97. The safety of Jewish people and institutions was the key theme of the *Conference on the Situation of the Jewish minority in Switzerland*, organised by the Directorate of Public International Law (DDIP) and the SLR on 1 December 2015.<sup>74</sup> The head of the DFAE, who opened the conference, underlined the right of Jewish people in Switzerland to be safe, and to feel safe, in their own country. He stressed that the Swiss government takes all attacks targeting Jewish people very seriously. During the conference, a round table discussion on the State's duty to protect was held, involving representatives of the authorities and the Jewish minority. It emerged from the round table that Switzerland's Jewish communities and their associations currently have to bear considerable costs in order to ensure the security of their meeting places, synagogues and schools. They would appreciate enhanced co-operation with the authorities in this area, above and beyond the police presence during religious festivals and in cases where there are specific threats.

98. Since the terrorist attacks of January 2015 in Paris, several contacts have been formed between Jewish organisations and security agencies in the Confederation and the cantons. In this context, Jewish organisations have submitted proposals to the authorities with a view to ensuring better protection for their members and institutions. They have expressed their needs on the basis of their experiences in the cantons and in the city of Zurich, and would appreciate increased contact with the security agencies; increased support from central government in order to step

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<sup>73</sup> Published on 17 November 2016, having been communicated to the Federal Council on 16 November 2016.

<sup>74</sup> See Part Two, section B.1.a. above.

up security outside Jewish institutions; help from the authorities in other cantons in order to reinforce levels of protection at these institutions, as well as a financial contribution from the public authorities to cover the costs of security, which are currently borne by the Jewish communities.

99. On 2 May 2016, the head of the Federal Office of Police (Fedpol), the heads of the cantonal police and municipal police in Zurich, as well as a spokesman for the military met the Secretary General of the “Swiss Federation of Jewish Communities” (FSCI). Representatives from the authorities outlined the division of powers and responsibilities between the Confederation and the cantons in the field of internal security, as provided for in the Federal Constitution. It was pointed out that there was currently no constitutional or legal basis for the Confederation to contribute towards the costs of security measures at Jewish institutions. In addition, the Army could only be called upon to play a secondary role in reinforcing security at Jewish institutions if the canton in question proved incapable of performing this task itself.

Fedpol and the FSCI agreed that the FSCI would be informed in the event of a concrete threat or suspected danger relating to Jewish people or institutions. The FSCI could also turn to Fedpol with any specific questions it may have.

100. Regarding the activities of the cantons, since the beginning of 2016, exchanges between Jewish organisations and the Zurich police have intensified and a procedural framework has been established. Should threats to Jewish people or institutions be identified as part of an evaluation of current dangers, the police will implement targeted protection measures. This system should also be able to be replicated elsewhere.

Following the attacks in Paris in early 2015, the police in the canton of Aargau, in co-operation with the regional police, have established a mechanism which takes into account the need to protect Jewish people and institutions in the local area. The police maintain regular contact with the Jewish community in Baden and with umbrella associations of Jewish institutions in the Surbtal.

The canton of Geneva has identified two levels of co-operation with Jewish institutions in terms of targeted protective measures. The first involves strategic co-operation, and involves the “Board of Directors of Jewish Communities” (“Comité directeur des communautés juives”) and the head of operations of the Geneva police, as well as his deputy, and the head of intelligence. This level deals with orientation, specific requests, and the analysis of risks and threats. Regular review sessions are also held between representatives of the “Inter-Community Co-ordination Forum Against Anti-Semitism and Defamation” (CICAD) and Geneva’s chief of police. The second level involves co-operation on an operational level between the head of the “Intercommunity Security Group” (“Groupe de sécurité intercommunautaire”) for the Jewish communities and the head of intelligence of the Geneva police. These partners maintain regular contacts throughout the year.

The question of security at Jewish institutions was examined in greater depth at the Conference of Swiss Cantonal Police Chiefs (CCPCS) with the aim of encouraging police officers to share their experiences and results as regards protecting Jewish institutions, to create networks and to ensure reciprocal support. The CCPCS dedicated its working session on 10 June 2016 to relations with Jewish institutions, taking note of a fact sheet prepared by Fedpol on protecting Jewish institutions. The CCPCS notes that co-operation between local or cantonal police and local Jewish communities and organisations functions smoothly and effectively. It also confirms that measures to protect Jewish institutions adapted to specific locations and situations have already been implemented or are currently being implemented, making it unnecessary to issue a standard recommendation. The FSCI's requests regarding the exchange of information on experience shall be dealt with as necessary by the CCPCS as part of its "urban security" activities.

101. Because of financial constraints, however, the cantons cannot provide permanent police protection for Jewish institutions, such as that found in France, despite the growing threat to such institutions. As mentioned above, these costs are borne by the Jewish communities in Switzerland and by Jewish umbrella organisations.

102. In expressing their views for the purposes of this report, the FSCI and the "Platform of Liberal Jews in Switzerland" (PJLS) pointed out that Article 6, paragraph 2, of the Framework Convention for the Protection of National Minorities provides rights for members of national minorities and, in turn, imposes an obligation on the state to protect persons who risk being victims of hate or violence. Even if this provision does not fundamentally alter constitutional competence in the field of internal security, the Confederation, they argue, has a duty to protect, according to public international law, in cases where the cantons are unable to fulfil their responsibilities in security matters. The Confederation, it is contended, has an international responsibility to ensure the realisation of this right.

In the view of the FSCI and the PJLS, the existing statutory framework in Switzerland has not been fully exploited and both the cantons and the Confederation could and should do more to ensure the security of the Jewish community. They also argue that it is the responsibility of the Confederation to develop a security concept for Jewish institutions, in co-operation with the cantons. Even if there is currently no concrete constitutional or statutory basis concerning the Confederation's contribution to the cost of security measures to protect Jewish institutions, there is nothing to preclude such a commitment. It is not a political question of whether the appropriate statutory framework should be created; it is a question of whether the Confederation is prepared to exercise its autonomous authority in order to protect Jewish communities and, in this context, to fulfil its obligations under international law.

The positions of the FSCI and the PJLS were also expressed in the proposal made to the Confederation for an “Action Plan to improve the general conditions of the Jewish minority” (May 2016).<sup>75</sup>

103. The report of 1 November 2016 on the measures taken by the Confederation to combat anti-Semitism in Switzerland – produced in co-operation with several federal offices – outlines the position of the federal administration. In the report, the Service for Combating Racism noted that, according to the current division of competences between the Confederation and the cantons on security matters, the Confederation’s obligations to protect, as they arise from public international law, are limited to protecting judges, parliamentarians, Confederation staff, federal buildings and other persons and infrastructure protected by public international law (persons with diplomatic status, diplomatic representations, etc.). A broader duty of protection falls to the Confederation, in a subsidiary sense, only in exceptional circumstances, namely if the cantons are unable to provide the necessary protection within the scope of their powers. The fact remains that protecting Jewish institutions is a national task which requires effective co-operation between Jewish organisations and the authorities at all federal levels.

In their press release of 17 November 2016 regarding the report on measures taken by the Confederation to combat anti-Semitism in Switzerland, Jewish organisations criticised the Confederation for disregarding its positive obligation to protect the Jewish community. They felt that existing opportunities to take additional measures should be fully exploited and that a new statutory framework should be created.

104. In September 2016, a parliamentary postulate by Jositsch Daniel 16.3650 “The protection of minorities against terrorist attacks” presented to the Council of States (upper chamber of the federal parliament) asked for the Federal Council to be tasked with producing a report explaining whether the measures taken by the Confederation (including those taken in co-operation with the cantons) to protect minorities, including people of the Jewish faith or homosexual people, from the heightened threat from “Islamic State”, were sufficient and whether additional measures might be required.

On 16 November 2016, in its opinion on Jositsch’s postulate, the Swiss Federal Council declared that it took the current terrorist threat very seriously, particularly when it targeted the Jewish community or other minorities. Nevertheless, for the reasons stated in the Service for Combating Racism’s report of 1 November 2016, the Federal Council felt that, in accordance with the constitutionally prescribed division of tasks between the cantons and the Confederation, the Confederation could not take additional measures to protect minorities and their institutions in Switzerland. The Federal Council therefore recommended that the federal parliament reject the postulate.

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<sup>75</sup> See paragraph 39 above.

On 14 December 2016, the Council of States rejected the postulate 16.3650, putting an end to all discussions on the matter.

105. On 30 November 2016, Markus Notter, former member of the Government Council in Zurich and president of the “Society for Minorities in Switzerland” (GMS), published the legal opinion “Schutzanspruch der jüdischen Gemeinschaften” concerning the mandate of the FSCI. He concluded that Swiss law had a sufficient constitutional framework to regulate the co-ordination of efforts by the Confederation and the cantons and security measures taken by the Jewish community itself, as well as the financing thereof. An amendment to the Federal Law instituting measures to maintain internal security (LMSI) would allow specific regulation. Markus Notter pointed out that similar measures already existed for combating hooliganism.

106. The Jositsch Daniel motion 16.3945 “Protecting religious communities from terrorism and extremist violence” of 5 December 2016, presented to the Council of States, called on the Federal Council, together with the cantons, to show what further measures could be taken to ensure the safety of religious communities, particularly those threatened by violence at the hands of terrorists or extremists. The Federal Council should also show what kind of statutory framework, if any, would be needed in order to implement such measures.

The Feri Yvonne motion 16.4062 “Terrorist and extremist violence. Ensuring the safety of minorities” of 15 December 2016, presented to the National Council (lower chamber of the federal parliament), called on the Federal Council and the cantons to identify additional measures which could be taken to ensure the safety of minorities (such as religious communities), particularly those threatened by terrorist or extremist violence, and to define any statutory framework that might be necessary for the implementation of such measures.

The Barazzone Guillaume postulate 16.4081 “Protecting against violent extremism. The example of Jewish institutions under threat” of 15 December 2016, presented to the National Council, called on the Federal Council to present a report on protecting citizens from violent extremism, and, in particular, protecting Jewish institutions under threat.

On 1 February 2017, the Federal Council recommended that Barazzone’s postulate be rejected, but agreed to accept the Jositsch and Feri motions. In its opinion on these two motions, the Federal Council expressed its intention to expand on current co-ordination efforts. In co-operation with the cantons and cities, as well as other interested parties, the Federal Council will examine whether the security mechanisms in place are sufficient and whether there are weaknesses that could be remedied by introducing specific measures.

It still remains for Parliament to decide whether it wishes to accept the postulate and the two motions.

107. In December 2016, a statement before the cantonal Parliament in Zurich, signed by parliamentarians from a broad alliance of political parties, asked the cantonal government how it could provide financial, staffing and logistical support to Jews and other groups threatened by terrorism. In the city of Zurich, the Jewish communities spend CHF 1.5 million each year on protecting their members and institutions.

### **C. Promoting respect and tolerance towards Muslims in Switzerland**

108. Questions relating to understanding and tolerance towards Muslims in Switzerland and to dialogue between Muslims and the majority population are examined in the light of Article 6 of the Framework Convention, insofar as this provision applies to all persons residing within the territory of the State Party, regardless of whether they belong to a recognised national minority or not, and irrespective of their ethnic, cultural, linguistic or religious identity.

109. As can be seen from the statistics presented in the tables above (see Introduction, section B), according to the 2014 Swiss structural survey, Muslims make up 5.1% of Swiss permanent residents aged 15 or above. Those conducting the survey estimated that the total number of Muslims living in Switzerland was between 340 000 and 450 000. Around 31% of Muslims in Switzerland have Swiss nationality; most of these come from the Balkans or Turkey and have become Swiss through naturalisation, or are the children of parents who were naturalised. A small minority are Swiss converts to Islam.

#### **1. Public recognition of the Muslim faith by the cantons**

110. The situation with regard to public recognition of the Muslim faith has not changed since the publication of the third report. The cantons that provide for this or other kinds of cantonal recognition of religious communities have not recognised any Muslim religious communities. However, no requests of this nature have been made by any of the Muslim religious communities. In those cantons where public recognition can be granted, the religious communities concerned must meet specific criteria, namely: the existence of a clear institutional structure (e.g. an association) with members who have rights and responsibilities, including the right to withdraw their membership at any time; transparent financial accounting; the right for members to decide how funds are spent; long-term prospects; a presence in the canton dating back a certain number of years; a minimum number of members, depending on the canton; and respect for Swiss law, in particular the constitutional principle of gender equality. Fulfilling these criteria places substantial constraints on religious communities – not just Muslims – particularly if they are not organised in a very structured or formal way.

111. At present, the canton of Basle-City is the only canton to recognise a non-Judeo-Christian religious community; on 17 October 2012, the Parliament in Basle (Grand Council), on a proposal from the cantonal government, approved the recognition of



the cultural association of the *Alévi-Bektashi* and the Alevi cultural centre of the region of Basle, which together form the Alevi community of the region of Basle (Alevitische Gemeinde Regio Basel). In accordance with paragraph 133 of the Constitution of Basle, the Grand Council can grant recognition if a religious community has a socially important role, if it seeks to preserve religious harmony and respects public policy, if it has a transparent system of financial management and if it allows its members to leave the community at any time. To date, no Muslim community has submitted a request to be recognised by the canton. Current concerns are related to practical questions about living together, relations between religious communities and the authorities, as well as integration. These issues are being discussed by the “Co-ordination Department for Religious Matters,” linked to the presidential department of the City of Basle and the “Round Table of Religions in the Two Basle Cantons,” an institution supported by the integration services of the cantons of Basle-City and Basle-Rural. The umbrella organisation for Muslims in both cantons, Basle's Muslim Commission (“Commission musulmane de Bâle”), is also involved.

112. In the canton of Vaud, the “Law on the recognition of religious communities and relations between the state and religious communities recognised as being of public interest” (“Loi sur la reconnaissance des communautés religieuses et sur les relations entre l’État et les communautés religieuses reconnues d’intérêt public”) of 9 January 2007 deals with the recognition of religious communities by the cantons as institutions of public interest. A regulation implementing this law was adopted in September 2014. The requirements for recognition are respect for the Swiss legal system, in particular the fundamental rights of individuals and the duty to preserve religious harmony, respect for democratic principles and financial transparency. The community must also have been in existence for a certain length of time and play a social and cultural role in the canton. In 2014, the umbrella organisation of the Muslim communities of the canton of Vaud “Union of Muslim Associations of Vaud” (UVAM) and the mosques in Lausanne requested information about obtaining recognition from the canton, but no formal procedure has been started to date.

In November 2016, the party UDC Vaud published a popular cantonal initiative calling for an amendment to the cantonal Constitution, so that recognition of a community as an institution of public interest would not entitle the community concerned or its members to any concessions or derogations on the basis of religious belief or practices, such as derogations relating to dress, to specific educational models or exemptions, public holidays, specific dietary requirements, etc.

In the canton of Neuchâtel, preliminary draft legislation on the recognition of other religious communities (other than the Evangelical Reformed, Christian Catholic and Roman Catholic Churches) was submitted for consultation in spring 2016. The draft legislation was presented to the cantonal parliament in October 2016.

## 2. Developments regarding dialogue with the Muslim population

113. On 26 November 2012, political representatives of the cantons, towns and municipalities met members of the Swiss Muslim population in the presence of the head of the Federal Department of Justice and Police. The meeting was a follow-up to the “dialogue with the Muslim population”, an initiative established by the Confederation which officially came to an end in 2011. During the meeting it emerged that concrete solutions to the various issues raised must first and foremost be developed closest to home, namely at the level of the canton or municipality.

In this respect, numerous activities have been put in place by the cantons and municipalities. For the most part, they are aimed at all religious and even migrant communities. This approach reflects the position of the Federal Council in its report of 8 May 2013 on the situation of Muslims in Switzerland. Indeed, the report showed that the integration of Muslims from migrant backgrounds is hindered more by linguistic and socio-cultural barriers than by issues of a religious nature. For this reason, the Federal Council did not consider it necessary to adopt specific measures for the Muslim population.

In addition to measures targeting all religious communities, measures specifically aimed at Muslims have been introduced by the cantons and municipalities, relating for example to cemeteries or places of worship. These measures, which are part of the follow-up to the Dialogue, are important as they contribute to the recognition of a group of people living in Switzerland as an integral part of society.

Many towns are exploring the possibility of creating Muslim cemeteries or Muslim sections within existing cemeteries. The city of Fribourg will consider this question as part of a review of its regulations on cemeteries. Under the new ad hoc regulations adopted by the town of Wil, the municipality can create new Muslim sections. In 2017, the same municipality will inaugurate an Islamic meeting centre currently under construction. The municipality of Glarus North has decided to allow Muslim sections in its cemetery in Niederurnen. In Baden, the new regulations on cemeteries, which came into force in January 2017, also provide for the creation of a Muslim section, which should be completed by 2018, in co-operation with the Association of Muslims in Aargau. Similar initiatives can also be found in French-speaking Switzerland, notably in Lausanne, where a project got under way in May 2015.

In the canton of Neuchâtel, the “Group of Muslim Contacts”, which has been operating since 1996, promotes dialogue between representatives of the cantonal administration and representatives of the Muslim communities. A working group composed of members from the Group of Muslim Contacts has brought about a change in the law on burial sites, allowing for the creation of multi-denominational sections for long-term interment in municipal cemeteries. Several towns in the canton now have multi-denominational spaces of this kind, allowing the Muslim inhabitants of Neuchâtel to be buried in accordance with Muslim customs. In autumn 2016, a three-month intercultural event “NeuchâToi” (Neuchâtel for you) addressed the topic of secularism and religious pluralism, with a view to generating

debate on the concept of “living together” and deconstructing stereotypes about religious belonging, particularly where the Muslim faith is concerned.

The canton of Geneva has financed a number of measures to improve the integration of the Muslim community and to prevent prejudice against them. For example, in 2014, the canton organised and financed an information day about Muslims in the Balkans and open days at Muslim places of worship. The cemeteries in Geneva, which are managed by the municipality, can include sections for Jews and Muslims. The city of Geneva thus has three Muslim sections.

In the canton of Zurich, in May 2016, a meeting between the member of the Government Council responsible for religious questions and the Grand Mufti of the Bosnian Muslim community took place. Dialogue with Bosnian Muslims has increased following this meeting. The canton has carried out several projects in close co-operation with the Association of Islamic Organisations in Zurich (VIOZ) including the creation and development of a spiritual assistance service for Muslims (“Notfallseelsorge”). This project benefitted from lottery funds from the canton of Zurich to the tune of CHF 500 000.

Since June 2000, the canton of Basle-City has teamed up with the Basle Commission for Islamic Affairs to offer Muslim burials. The central cemetery of Hörnli has a specific division for Muslim graves. In addition, awareness-raising projects run by certain Muslim organisations have been or are currently being supported as part of the canton’s effort to promote projects that foster “diversity and integration.” The canton of Basle-City recognises that the state must be active on the prevention front and take measures to promote integration when it comes to religious diversity and the large yet heterogeneous Muslim minority present in the country.

In the canton of St Gallen, encouraging interreligious dialogue has been an important part of the process of promoting integration for over ten years. The interfaith dialogue action week takes place every two years. This platform, set up on the initiative of the canton of St Gallen, is now a joint project involving the following institutions and communities: the canton of St Gallen; the St Gallen Catholic Church and the Evangelical Reformed Church; the Umbrella Organisation for Islamic Communities of Eastern Switzerland and the Principality of Liechtenstein (DIGO); the round table of the religions of the canton of St Gallen, as well as other religious communities. Muslim burials have been possible in the canton of St Gallen since the beginning of 2013; so far, one cemetery has created a Muslim section.

114. Regarding discussions with the federal authorities, it should also be noted that in March 2015, the Federal Councillor and head of the DFI, Alain Berset, met with the Swiss Council of Religions, the platform for dialogue between Switzerland’s different religious communities. He assured the religious communities that the Federal Council shared their concerns about growing hostility against peoples of Muslim and Jewish faith in Europe. He confirmed that, in a country characterised

by multiculturalism, everyone in Switzerland had a role to play in ensuring peaceful coexistence on a daily basis.

### **3. The Swiss Centre for Islam and Society**

115. The Swiss Centre for Islam and Society (CSIS) of the University of Fribourg opened on 1 January 2015. The main task of the CSIS is to create an academic space for Islamic self-interpretation in Switzerland and to bring such a space into the heart of the university. Its objective is not to train imams (this is specifically stipulated in the University's statutes), but rather, by providing ongoing training in a forum for discussion, to help inform key members of the Islamic community (imams, people responsible for religious education, pastoral care representatives and those involved in youth work) about the reality of life in Switzerland. Its activities are also aimed at professionals who come into contact with Muslims, in order to provide them with information from a reliable source about the religious beliefs and practices of Islam and so combat fear and stereotypes. The idea of the CSIS is to create a national centre of expertise, for discussions focusing on the policy of living together in Switzerland. The CSIS was officially opened in June 2016.

116. From a financial perspective, in addition to the regular funding allocated to higher education institutes by the Confederation, the Centre receives federal grants for its set-up phase until the end of 2020. The State Secretariat for Migration (SEM) has also provided financial support for two projects from the Centre's continuing education activities, through the Confederation's "credit d'intégration" scheme.

The first stage involved a 13-month study (from February 2015 to February 2016) of supply and demand as regards ongoing training relating to Islam for both Muslim and non-Muslim target groups. The second stage is the project "Muslim organisations as social actors" (March 2016 to February 2018) which is receiving funding from the SEM and the Confederation's Service for Combating Racism. Drawing on the results of the previous project, this second project aims to design and carry out training courses on different topics in co-operation with Muslim associations and experts in the area. In this way, Muslim associations will not be perceived merely as beneficiaries of existing provision, but will assume the role of social actors, enabling them to exploit the opportunities for integration associated with that process. At the same time, they will have a chance to develop their skills in the field of social action (for example, working with young people and women, spiritual support in hospitals and prisons, communication with the media). This in turn will allow them to define their own position in Swiss society, to make contacts, and to reinforce their co-operation with governmental institutions and other social actors.

117. The political party UDC Fribourg decided to launch a popular initiative entitled "Against the opening of the Centre for Islam and Society at the University of Fribourg: say no to the state training of imams". The Government of Fribourg commissioned two legal opinions, both of which concluded that this initiative was contrary to the Federal Constitution, in particular Article 8, which prohibits

discrimination based on religious beliefs, inter alia. According to the legal experts, excluding an entire category of people and social phenomena from academic research, study or teaching, simply because they belong to a specific religion – Islam – is discriminatory and constitutes differential treatment which is unjustified, disparaging and stigmatising. The Government of Fribourg therefore recommended that the cantonal parliament reject this initiative. On 18 March 2016, the parliament followed this recommendation and declared the UDC initiative to be invalid. An appeal against the cantonal parliament’s decision was lodged by UDC Fribourg with the Swiss Federal Supreme Court on 17 May 2016. On 14 December 2016, the Supreme Court rejected the appeal and confirmed the invalidity of the UDC’s initiative, which was deemed to be discriminatory and hence contrary to the Federal Constitution as it only targeted Islam.<sup>76</sup>

118. In a similar context, in August 2013, the Supreme Court upheld the decision to reject a popular initiative in the canton of Thurgau which sought to ban school textbooks which were “misogynistic, racist or murderous.” The explanatory text accompanying the initiative was clearly directed at the teaching of the Koran in schools. The Supreme Court ruled that this initiative, which targeted one specific religion, Islam, violated the principle of religious neutrality of the State and the prohibition of discrimination.

#### **4. National minority status**

119. As mentioned above (see under Article 3, section B), during the technical consultation on the draft periodical report in the context of the third monitoring cycle, of all the cantons which had been questioned about the possibility of recognising other national minorities, the Canton of Vaud said that there could be justification for granting such status to Muslims living in Switzerland. During its visit to Switzerland in November 2012, the Advisory Committee met various representatives of Switzerland’s Muslim communities and raised this matter with them. The country’s Muslims did not pursue these discussions, however, owing to a lack of consensus among themselves on the issue. To date, the federal authorities have not received any request for such status.

When they were asked again about the possibility of recognising other national minorities in the consultation that took place in summer 2016 on the subject of this report, the cantons – including the Canton of Vaud – did not mention the case of Muslims living in Switzerland. Only the Canton of Neuchâtel said that, in the future, when the length of time for which they had had links with Switzerland had been established, consideration would need to be given to the question of recognition for communities from migrant backgrounds which were now a constituent part of the

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<sup>76</sup> Judgment 1C\_225/2016. According to a press release issued by the Supreme Court, the initiative gives rise to unequal treatment in comparable situations as it creates a prohibition applicable to one specific religion. In effect, if a ban on research and teaching activities applies to only one of the non-recognised religions in the canton of Fribourg, it is deemed to be discriminatory.

Swiss population, and of Muslims. The Canton of Basle-City, on the other hand, had reservations about recognising Swiss Muslims as a national minority: in its opinion, it was inadvisable to treat Swiss Muslims any differently from other religious communities. On the contrary, it would be better to recognise them legally as a religious institution, as provided for in the cantonal constitutions, while at the same time seeking to improve the social recognition of Swiss Muslims, at both cantonal and national level. This would be a task that would concern the whole of society.

## ARTICLE 9

1. *The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.*
2. *[...]*
3. *The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.*
4. *In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.*

Other recommendations made in the 3rd Committee of Ministers Resolution included the following: *“The Advisory Committee invites the authorities to continue to support actively the media for the national minorities, paying particular attention to the needs of the Italian-speaking community and Romansh speaking minority. It also encourages the authorities to promote adequate measures to facilitate access to the media for Travellers and to support the promotion of tolerance and cultural diversity in the media.”*

- A. The SSR’s contribution to fostering understanding between the different linguistic regions of the country

120. In response to the Maissen motion (10.3055) of 4 March 2010, Parliament instructed the Federal Council to ask the SSR (Swiss public broadcasting corporation) to make a greater contribution to fostering intercultural exchanges and mutual understanding between the country’s different linguistic regions. The Federal Council was also asked to observe developments in the situation and to report back to Parliament on the progress made by the end of 2012 at the latest.

The Federal Council issued a report on this subject on 7 December 2012. The survey findings show that the SSR's radio and television programmes rarely deal with events taking place in the other regions. The number of televised news reports concerning events in other linguistic regions is relatively low. The only exception is Radio Rumantsch, possibly due to the small size of the region in question and the fact that there are fewer radio and TV events in this language.

121. The Federal Council accordingly asked the SSR to take steps to reinforce its mandate to promote exchanges between the linguistic regions. This task is to be carried out by means of both large-scale projects and specific services; the daily news must also make a contribution. The SSR has therefore drawn up a blueprint entitled "Enhancing interregional collaboration", which provides for the planning of interregional projects over several years, simplified decision-making procedures, increased and combined funding and better co-ordinated exchanges. Since early 2015, the SSR has recruited six people as interregional co-producers. With regard to programmes, new formats focusing on exchanges between the regions have been introduced: national programmes, exchange of content in equivalent programmes, synchronisation and sub-titling of regional linguistic programmes, exchange of presenters and the joint presentation of programmes.

As the Federal Council pointed out in its report on public service in the media adopted on 17 June 2016, linguistic exchange is a key aspect of the public service mission. This aspect is studied in greater depth in the Federal Council's report, including in the light of the latest research findings.

122. It is worth noting here that, in September 2016, the "Pro Grigioni Italiano" association (Pgi) analysed the current affairs and news programmes broadcast by "Radiotelevisione svizzera di lingua italiana" (RSI). According to the Pgi, the results of the study show that the RSI focuses on the canton of Ticino and neglects the other regions, in particular the canton of Graubünden, even though it is part of Italian-speaking Switzerland. The Pgi asked the Università della Svizzera italiana for a legal opinion to ascertain whether or not the SRG-SSR had complied with the provisions set out in the broadcasting licence issued by the Confederation. According to this legal opinion, whose findings echo those of the final report produced by the Pgi on 2 September 2016, the limited air time which the RSI sets aside for programmes on subjects relating to the Canton of Graubünden and other linguistic regions complies neither with the SSR's mandate as regards programmes and integration (Art. 24.1b, LRTV and Art. 2.2, Concession SSR) nor with its obligation to provide the entire population with comprehensive radio and television programmes of equivalent quality in the three official languages (Art. 24.1a, LRTV).

#### **B. News in Italian in the Canton of Graubünden**

123. 2014 saw two parliamentary initiatives in this area:

- At federal level, the Semadeni question (14.1083) of 25.09.2014 "Support for news aimed at or originating from the Italian-speaking part of Graubünden"

asked whether the Federal Council was prepared to look at ways of remedying the alleged shortage of news in Italian in the Canton of Graubünden, for example by extending the service mandate of the press agencies Agentura da novitads Rumantscha ANR (subsidised by the Confederation) or the Agence Télégraphique Suisse ATS;

- At cantonal level, in the Canton of Graubünden, the Albertin mandate of 11.12.2014 “Auftrag betreffend den gesellschaftlichen Zusammenhalt im Kanton durch Förderung der Information zwischen den Sprachgemeinschaften verstärken” asked the cantonal government, in consultation with the federal authorities, to extend the ANR’s mandate to provide more news in Italian. These tasks should not, however, be carried out to the detriment of Romansch-language service provision.

The position of Italian-speaking correspondent was created at the beginning of 2017. The outcome of the federal authorities’ discussions with the Canton of Graubünden forms part of the content of the service contract between the Confederation (represented by the OFC) and the Canton of Graubünden for the period 2017-2020. The aim of the contract is to enhance the exchange of information between the linguistic communities and to foster social cohesion. The introduction of a regional service for the media in the Italian-speaking part of Graubünden helps to improve the general situation as regards the said media and to increase the number of Italian-language news reports from other parts of the canton. The regional service therefore needs to be made available to the Italian-speaking media free of charge.

- C. Media-related measures discussed in the working group on “improving conditions for the nomadic way of life and promoting the culture of the Yenish, Sinti and Roma in Switzerland”

124. The working group discussed the objectives and measures for improving the public image of the Yenish, Sinti/Manouches and Roma. Awareness-raising activities by the media should be encouraged and, where possible, given support.

125. The Yenish, Sinti/Manouches and Roma have featured more prominently in the media since 2014 as a result of their protest actions and lobbying,<sup>77</sup> and numerous articles have been written about their culture and life-style. In their dealings with journalists, the Yenish have proved to be very open and have provided a unique glimpse into their lives, about which very little is known.

- D. Dealing with news concerning the Yenish and the Roma

126. In 2013, the Federal Commission against Racism (CFR) asked the “Forschungsinstitut Öffentlichkeit und Gesellschaft fög” at Zurich University to study more closely the manner in which news concerning the Yenish and the Roma was

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<sup>77</sup> On the protest actions by the *Yenish*, see Part Two, section A.3 above; with regard to their demands, see Part Three, under Article 3, section A, paragraph 61. On the Roma’s demands, see Part Three, under Article 3, section B, paragraph 65 above.



dealt with in the main media in Switzerland between 2005 and 2012. The findings of the study highlight substantial gaps in the news provided and show that half of the contributions analysed make generalisations, which are often associated with negative stereotypes. The findings of the study received extensive media coverage and two articles were published in the media magazine *Edito-Klartext*, which is aimed at journalists.

Following this study, the CFR called on the media to exercise more restraint in the way it presented news concerning the Yenish and the Roma. It invited them to temper their remarks, avoid sweeping generalisations and not fall into the trap of presenting complex social problems simply as ethnic issues. With a view to providing better information to the public at large, it urged the media to vary the angles from which it presented subjects and to try to understand all aspects of the economic and social situation of these minorities in Switzerland.<sup>78</sup>

127. A study carried out by the “Roma Foundation” into reports on Roma in the German-speaking Swiss media (September 2014)<sup>79</sup> revealed that many of the articles concerned were tainted by stereotypes and ethnic prejudice.

#### ARTICLE 10

1. *The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.*
2. *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.*
3. [...].

#### A. Use of minority languages in multilingual cantons

128. Pursuant to the Federal Law on Languages, the Confederation supports multilingual cantons in performing their specific tasks in promoting multilingualism, particularly with regard to the language skills of staff working in the cantonal administration, and to translation. The Federal Office of Culture (OFC) has drawn up 4-year service contracts with each of the bilingual/multilingual cantons (BE / FR / VS / GR).

<sup>78</sup> The Swiss branch of the “Society for Threatened Peoples” is of the opinion that the activities undertaken in response to the outcome of this study by the CFR are insufficient.

<sup>79</sup> “Roma in the German-Swiss Media” Zürich: Roma Foundation/Roma Contact Point, 2014. [http://roma.org/reports/reports-nav/ch\\_berichterstattung\\_final.pdf](http://roma.org/reports/reports-nav/ch_berichterstattung_final.pdf)

Various projects have been endorsed by the cantons: some cantons have sought to promote multilingualism within their authorities, for example by paying for language courses for staff, by introducing “tandems” (where two people with different mother tongues meet regularly to practise each other's language) (Fribourg), or by increasing the number of documents translated into the other language used in the canton.

The sums paid to the Canton of Graubünden to promote multilingualism were used for work on Romansh terminology, lessons in Italian and Romansh for staff working in the cantonal administration, projects to raise public awareness of multilingualism and for the purchase of teaching materials and the promotion of multilingual teaching at all levels of education.

129. With regard to the use of Italian in the Canton of Graubünden, the “Pro Grigioni Italiano” association (Pgi) has pointed out that there are no Italian-speaking public officials in the four highest ranks of the cantonal administration.

## ARTICLE 12

1. *The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.*
2. *In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.*
3. *The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.*

### A. Harmonisation of the teaching of national languages

In its 3rd Opinion of 5 March 2013 on Switzerland, the Advisory Committee invited “the authorities to continue their efforts to ensure the harmonisation of language teaching and to promote multilingualism”.

130. In 2004, the Swiss Conference of Cantonal Ministers of Education (CDIP) (covering all the cantons) adopted a National Strategy for the development of language teaching in Switzerland. This strategy stresses the fundamental importance of priority support to encourage proficiency in the local language from the start of schooling and early learning of foreign languages. It sets out principles for developing language teaching in Switzerland. As regards co-ordinating language teaching, the cantons have set themselves the following objective:

*“At least two foreign languages, including a minimum of one national language, shall be taught in Switzerland during the first years of schooling and at the latest as from 5<sup>th</sup> year. The special role of national languages in a multilingual country is to be highlighted, especially in its cultural dimensions”.*

131. The main principles of the 2004 language strategy were incorporated in the Intercantonal Agreement of 14 June 2007 on the harmonisation of compulsory schooling (HarmoS Concordat). The provisions governing language teaching are set out in Article 4, paragraphs 1-3, of the HarmoS Concordat:

*<sup>1</sup> The first foreign language shall be taught at the latest as from the 5<sup>th</sup> year and the second at the latest as from the 7<sup>th</sup> year, with the duration of each school level being as stipulated in Article 6.<sup>80</sup> One of the two foreign languages shall be a second national language and its teaching shall include a cultural dimension; the other shall be English. The expected skills in these two languages after completion of compulsory education shall be on an equivalent level. Insofar as*

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<sup>80</sup> Article 6 of the HarmoS Concordat sets out the structures of compulsory education. Primary education, which includes preschool or elementary school, lasts eight years; as a rule, lower secondary school lasts three years (Article 6, paragraphs 1 and 2). In this report (except in the quotation from the HarmoS Concordat), we will use the traditional system of counting school years, with the HarmoS system of counting (which includes two compulsory years in kindergarten) shown in brackets.

*they include, in addition, the compulsory teaching of a third national language, the cantons of Graubünden and Ticino may derogate from this provision as regards the years of schooling from which the two foreign languages are to be introduced.*

*<sup>2</sup> Appropriate provision for the optional teaching of a third national language shall be available during compulsory education.*

*<sup>3</sup> The order in which foreign languages are taught shall be co-ordinated at regional level. The quality and development criteria of this teaching shall be part of a wider strategy adopted by the CDIP.*

*<sup>4</sup> As regards pupils from migrant backgrounds, the cantons shall, through organisational measures, provide support for instruction in the language and culture of origin (LCO classes) organised by the countries of origin and the different linguistic communities, with due regard to religious and political neutrality.*

The HarmoS Concordat came into force on 1 August 2009. 15 cantons (accounting for 76.2% of the resident population) have definitively signed up to it while seven cantons (accounting for 13.5% of the resident population) have refused to do so. In four cantons (accounting for 10.3% of the resident population), the accession procedure is pending.

It should be noted that under the Federal Constitution, cantons and the Confederation have a general obligation to co-ordinate their policies in the field of education and training (Article 61a of the Constitution). The Constitution also lists a number of essential elements of the education system which absolutely must be harmonised, if necessary by the Confederation should co-ordination fail to achieve the desired results (Article 62, paragraph 4, of the Constitution).

As regards language teaching, 22 cantons use the 5th/7th year model. The canton of Ticino uses its own model which provides for the teaching of three foreign languages. These 23 cantons account for 92% of the resident population (2005 figures).

132. Country-wide harmonisation of education targets is achieved through a description of the skills which pupils must acquire. In June 2011, the CDIP unanimously adopted, for the first time, the national education targets (basic skills) for four subjects. Regarding foreign languages, these targets describe in detail the basic skills to be acquired in a second national language and in English on completion of primary school and at the end of compulsory education. The national education targets (basic skills), which are based on the 5<sup>th</sup>/7<sup>th</sup> year model as regards the teaching of foreign languages, have been incorporated in the new curricula of the different linguistic regions. In French-speaking Switzerland, the “Plan d’études romand” (PER) (the curriculum for French-speaking Switzerland) is now being taught in schools following an introductory phase which lasted from 2010/2011 to 2014/2015. In German-speaking Switzerland, the cantons are currently deciding on the introduction of the “Lehrplan 21” whose text was adopted in October 2014. In the canton of Ticino, furthermore, the “Piano di studio” has been available since

September 2015 and is in the process of being introduced (this phase started at the beginning of the 2015/2016 school year and, according to the canton, is expected to last three years).

133. As regards teaching, Article 15, paragraph 3, of the Federal Law on Languages of 5 October 2007 (which came into force in 2010) provides that: “The Confederation and the cantons shall, within the scope of their powers, commit themselves to foreign language teaching such that, on completion of compulsory education, pupils have the necessary skills in a second national language at least, as well as in another foreign language. The teaching of national languages shall take into consideration the cultural aspects associated with a multilingual country”.

134. On 31 October 2014, the CDIP confirmed its Languages Strategy for 2004. On 1 July 2015, it adopted an assessment of the harmonisation of compulsory education. The CDIP found that, while the harmonisation of teaching between cantons had never been so significant, the issue of language teaching remained a topical one. In several German-speaking cantons, parliamentary or citizens’ initiatives had been tabled, requesting that only one foreign language be taught in primary school. The CDIP subsequently invited cantons to continue respecting the harmonisation of compulsory education and, if necessary, to support and pursue it.

Following the adoption of the CDIP’s strategy in March 2004, citizens’ initiatives entitled “In favour of only one foreign language in primary school” were launched in five German-speaking cantons (Lucerne, Schaffhausen, Thurgau, Zug and Zurich). The main argument put forward was that, for many pupils, learning two foreign languages represented too much of a strain. In four cantons, the initiatives were rejected by the people while in the canton of Lucerne, the authors of the initiative withdrew it. A decade later, similar citizens’ initiatives were tabled in the cantons of Basle-Rural, Graubünden, Nidwalden, Lucerne and Zurich and were put to a popular vote. On 8 March 2015, the people rejected this initiative in the canton of Nidwalden by 62% of the votes. In November 2016, in the canton of Zurich, the cantonal parliament recommended that the initiative, which had been launched by teachers, be rejected.

135. 2014 and 2015 saw a whole series of parliamentary initiatives at federal level, some of which called for Article 15, paragraph 3, of the Federal Law on Languages to be amended in order to safeguard the teaching of a second national language in primary school. In its replies, the Federal Council stated that multilingualism is an essential feature of the Swiss identity which the Confederation and the cantons have a duty to develop further. The teaching of national languages plays a key role in fostering national cohesion and understanding between the linguistic communities. The Federal Council encourages the cantons to find a solution which is in the spirit of the constitutional mandate to harmonise compulsory education and reflects the importance of national languages in primary school. The Federal Council feels that it will have to intervene if, in one canton, the only foreign language taught in primary school is English.

At the request the Science, Education and Culture Committee of the Council of States (CSEC-E), a report on harmonising the teaching of foreign languages in compulsory education was prepared by the Federal Office of Culture (OFC) in February 2015. The report outlines the current state of the teaching of national languages in primary school in the cantons, lists parliamentary and citizens' initiatives in the cantons and assesses the conditions for and the legal limits to any action by the Confederation regarding the harmonisation of language teaching. Should the Confederation have to intervene, any steps it took would have to comply with the principle of subsidiarity.

136. In view of recent developments in some German-speaking cantons, in spring 2016 the Federal Council stated that the goal of harmonising the teaching of foreign languages was effectively jeopardised and that it expected cantons to fully implement the language strategy which they had agreed in 2004. In March 2016, the Head of the Federal Department of Home Affairs (DFI) wrote to the CDIP, asking for its opinion on the framework conditions mentioned in the OFC's report.

According to the CDIP's position paper of 23 June 2016, while all the actors, i.e. the cantons and the Confederation, agree on the goal of securing high quality teaching of national languages and are continuing to make substantial investments in this regard, the question of the expediency and proportionality of any federal legislative intervention needs to be considered. There are significant risks attached to any action the Confederation may take on the languages issue, as a popular vote could turn into a litmus test for the country as a whole.

On 6 July 2016, the Federal Council submitted for consultation a draft revision of the Federal Law on Languages which makes it compulsory to learn a second national language in primary school.

On 16 December 2016, the Federal Council examined the results of the consultation. In their replies, all the participants highlighted the paramount importance of language teaching. They recognised the Confederation's responsibility both as regards fostering understanding between the linguistic communities and as regards ensuring the necessary harmonisation of education in order to promote mobility in the country. The Federal Council felt that the consultation had confirmed its position on language teaching. It stressed that every effort must continue to be made to maintain and further develop the harmonisation of language teaching. It also considered, however, that conditions were not ripe for introducing federal regulation, particularly in view of recent decisions at cantonal level. The Federal Council instructed the DFI to monitor the situation. The DFI and the CDIP will meet in the second half of 2017, at the latest, to discuss developments.

## B. Developing school exchanges

137. As mentioned above (under Article 5, section D), within the framework of the Culture Message 2016-2020, the Confederation has made national linguistic exchanges one of the priority areas of its cultural policy. To this end, it has allocated an extra CHF 450 000 per year (in addition to the CHF 1 050 000 already provided) for direct support for exchange projects, for stepping up exchanges in the context of occupational training and for teacher exchanges. This priority was set after it was found that, despite more resources being allocated to this area, the goal of significantly increasing the number of school exchanges between the linguistic regions had not been met.

From an organisational point of view, the Confederation and the cantons decided to create a new joint structure to deal with promoting exchanges and mobility at national and international level. The new “Swiss foundation for the Promotion of Exchanges and Mobility” – which began operating on 1 January 2017 – is in charge of all the various services provided such as information, advice, networking and project management.

At its winter 2014 session, the National Council (Federal Parliament) adopted a postulate from the Science, Education and Culture Committee entitled “Blueprint for a programme of linguistic exchanges” (41.3670). The postulate requested that the Federal Council submit a report to Parliament, with a view to introducing a systematic programme of linguistic exchanges in compulsory and upper secondary education and proposing funding solutions. This report is due out in 2017.

## C. Measures developed by the cantons to promote multilingualism among pupils

138. In the canton of Jura, which is on the language border, the multilingual approach is being pursued in upper secondary school with the 3-year cantonal bilingual French-German *Matura* in Porrentruy, and the intercantonal bilingual *Matura* where pupils study for two years at the “Regionales Gymnasium Laufen” followed by two years in Porrentruy. The business school also offers a 4-year bilingual course consisting of three years of classes (30% of them in German) and an internship, preferably in a German-speaking region.

In the bilingual canton of Fribourg, intensive German integration courses are being run in nine French-speaking lower secondary schools, including one in collaboration with the two linguistic sections on the campus of Morat secondary school. A film on the Department of Compulsory Education website<sup>81</sup> provides information on these immersion schemes. In upper secondary general education, a new concept of bilingual secondary school teaching (“bilingual class plus” and “awareness track”) was introduced at the beginning of the 2014/2015 school year. Among its advantages are the fact that it offers teaching in the partner language as from the

<sup>81</sup> [http://www.fr.ch/osso/fr/pub/apprentissage\\_des\\_langues/enseignement\\_bilingue\\_integre.htm](http://www.fr.ch/osso/fr/pub/apprentissage_des_langues/enseignement_bilingue_integre.htm)

first year. Between 25 and 30% of secondary school pupils choose bilingual education. The “Ecole de culture générale de Fribourg” has a bilingual track for education leading to the certificate of vocational education (as of the 2013/2014 school year) and to specialised *Matura* certificates (as of the 2016/2017 school year).

The canton of Vaud offers three types of bilingual *Matura* courses: French-German, French-English and, since the beginning of the 2016/2017 school year, French-Italian (see paragraph 156 below). As regards vocational training, in August 2015, the canton of Vaud introduced an international mobility scheme under which all apprentices in the canton will have the opportunity to complete a long-term traineeship in a company in England, Ireland or Germany, at the end of which they will receive a certificate.

In 2003, the canton of Geneva introduced bilingual *Matura* tracks in German/French and English/French. These tracks are available in every state school in the canton, under two different arrangements: teaching of other subjects in a chosen foreign language (800 hours per year) or, as of 2010, language study visits lasting six months or one year. In 2015-2016, 456 pupils opted for the German/French bilingual track and 781 the English/French track. The figures have been steadily increasing over the past ten years.

In the canton of Bern, notable examples include:

- The extension of the bilingual *Matura* from 9th year (11th year in HarmoS) to secondary schools in Biel/Bienne, with bilingual classes where 50% of the pupils are French-speaking and 50% German-speaking, and where subjects are taught in German and French in equal measure (by mother-tongue teachers). The bilingual studies thus last four years instead of three.
- The bilingual track offered in secondary schools in Thun, Interlaken, Bern/Köniz and Burgdorf where three subjects are taught in the “partner language” (French or English) and which likewise begins one year earlier and now lasts four years instead of three until the *Matura*.
- In the one-year training course leading to the specialised teacher-training *Matura* (MSOP), history and geography are taught in French in the German-speaking part of the canton and in German in the French-speaking part, with the aim of improving the language skills of trainee primary school teachers.

In the canton of Graubünden, the government can authorise the use of two cantonal languages as school languages, in equal measure, for the purpose of promoting Italian and Romansh. Bilingual teaching can be provided in some tracks only or throughout the school. Approximately half of the subjects are taught in German and the other half in Romansh or Italian. In total, seven schools in the canton of Graubünden offer bilingual education (German/Romansh or German/Italian). Three other schools offer bilingual tracks.



In the canton of Aargau, secondary schools offer, in addition to standard language classes, three types of special provision: immersion classes, International Baccalaureat (IB) and individual exchanges or class exchanges in French-speaking Switzerland or in neighbouring France (the canton provides funding for schools' cultural exchange projects). In the "immersion" track, several subjects are taught in English. Also, one cantonal school offers the bilingual German/French Matura.

In the canton of St Gallen, the cantonal school "am Burggraben" offers the bilingual German/French Matura. At the same time, all of the canton's secondary schools encourage student exchanges between the linguistic regions, some with the Swiss School of Rome, and others with partner secondary schools in French-speaking Switzerland (along the lines of the "ImmerSion" project).

#### D. Schooling for Yenish, Sinti/Manouche and Roma children

Other recommendations made in the 3rd Committee of Ministers Resolution regarding equal opportunities in access to education included the following: "*The Advisory Committee invites the authorities to continue and intensify the measures taken to remedy the difficulties encountered by Traveller children who retain an itinerant lifestyle in accessing education within the framework of a dialogue with the representatives of these minorities*".<sup>82</sup>

139. Education is the responsibility of the Confederation and the cantons in accordance with the powers conferred on them by the Federal Constitution (Article 61a of the Constitution): public schooling is a matter for the cantons (Article 62 of the Constitution) while vocational training falls within the remit of the Confederation (Article 63 of the Constitution). Under Article 62, paragraph 2, of the Constitution, basic education is mandatory. By ratifying the UN Convention on the Rights of the Child, Switzerland recognised the right of children to education and committed itself to ensuring equal opportunities.

140. Due to their long absence and the fact that they attend classes for a shorter period of time (four and a half months per year), the schooling of children with an itinerant way of life is liable to be incomplete. It is crucial, therefore, to create conditions where the obligation to acquire a basic education and the right to education can be reconciled with the itinerant way of life. Schools aim to integrate all children and, in so doing, to ensure that children whose parents have an itinerant lifestyle enjoy equal opportunities and have access to the full range of study options.

For example, the canton of Bern and the city of Bern are currently implementing a pilot project for pupils from the "Buech" site entitled "*Lernen unterwegs*".

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<sup>82</sup> In its joint position paper on this report, "the European Yenish Union" (see paragraph 6 above) criticised the following sentence in the Committee of Ministers Resolution: "*Furthermore, schooling for children of Travellers who have retained an itinerant way of life is apparently not effectively guaranteed when they travel with their parents*" (Resolution, b) "Issues of concern", last paragraph). In the view of "the European Yenish Union", this sentence is discriminatory and calls into question the ability of Yenish and Sinti/Manouche parents to act responsibly in relation to their children's education.

Specifically, pedagogical workshops run in the winter months in tandem with classroom teaching ensure the children receive close supervision so that they can catch up if they have fallen behind as a result of being out of school between the Easter and autumn holidays. A plan has been drawn up together with parents for the summer period to enable children to continue following the syllabus. New pedagogical tools and web-based teaching methods are being developed and will be introduced soon. Children will receive free laptops which will include syllabuses and the school will ensure that families have Internet access.

Other cantons, such as Zurich, feel it would be a good idea to launch a similar project with the CDIP, interested cantons and Yenish and Sinti/Manouche organisations.

The different Yenish and Sinti/Manouche organisations are divided over the need for children from families with an itinerant way of life to receive special attention. Fear and suspicion about the school authorities meddling in their private lives and their children being assimilated are deeply ingrained in the history of these communities. Some organisations such as “Radgenossenschaft der Landstrasse” are in favour of specific projects as long as they meet a genuine need and the families concerned are involved in their development.

141. Schooling was one of the main topics discussed by the working group on “improving conditions for the nomadic way of life and promoting the culture of the Yenish, Sinti and Roma in Switzerland”. The working group proceeded from the principle that children must not be discriminated against (in school) on the ground that they belong to the Yenish, Sinti/Manouche or Roma groups. The approach which appears to best meet the needs of those concerned (families with an itinerant way of life and school authorities) involves combining specific projects which focus educational provision on the needs of the families with an itinerant lifestyle and offering flexible and individual solutions.

#### E. Promoting knowledge of Yenish, Sinti/Manouche and Roma culture in school

142. To improve equal opportunities in access to education for children from families with an itinerant way of life, the working group on “improving conditions for the nomadic way of life and promoting the culture of the Yenish, Sinti and Roma in Switzerland” discussed the need to raise teachers’ awareness of the nomadic lifestyle and culture. This need is recognised by all the stakeholders, representatives of families with an itinerant way of life, authorities and teachers.

143. The working group also discussed the importance of disseminating information on the Yenish, Sinti/Manouches and Roma in schools. Teaching materials need to be developed in partnership with the communities concerned.

Awareness-raising measures should be adopted to improve mutual understanding. Existing materials should be made more widely available. In 2014, for example, the “Pädagogische Hochschule der Fachhochschule Nordwestschweiz” (FHNW) developed comprehensive teaching units with the help of the Service for Combating

Racism (SLR) and under the guidance of the “Centre d’études sur la démocratie Aarau” (ZDA). The purpose of these teaching units is to ensure equivalence and equal opportunities for national minorities in Switzerland in order to strengthen democracy. Using the example of Roma, Sinti/Manouches and Yenish in Switzerland, the forms, causes and effects of discrimination and exclusion are discussed with the aid of different sources while developing a basic knowledge of history. The teaching units, which are designed for upper secondary pupils, consist of four two-hour modules, which may be shortened or extended as required. They cover themes such as terminology, culture, history, recording keeping and the present day.

144. In 2012-2013, Switzerland contributed to the creation of an international educational website on the Roma and Sinti genocide<sup>83</sup> with a Swiss window<sup>84</sup> on the Swiss “Gypsy” policy and the persecution of the Yenish. The Swiss page features personal experiences and accounts of persecution. It also includes a bibliography and a list of relevant websites. This contribution by Switzerland was financed by the Confederation (DFAE and DFI).<sup>85</sup>

As mentioned above (under Article 3, section B), the SLR is funding a project run by the “Pädagogische Hochschule der FHNW (Zentrum Politische Bildung und Geschichtsdidaktik)” entitled “Zur Lage der Roma und anderer (ehemals) als “Zigeuner” diskriminierter Minderheiten in Europa”. The aim of this project is to encourage history teaching and to develop teaching materials.

145. In the city of Zurich, the documentation and meeting centre of “Radgenossenschaft der Landstrasse” is available for use by interested classes.

F. Promoting knowledge of Judaism in schools and raising awareness about anti-Semitism and the Holocaust<sup>86</sup>

146. Jewish umbrella organisations themselves carry out various awareness-raising projects in schools with children and teenagers as well as teachers.

The “Swiss Federation of Jewish Communities” (FSCI), for example, organises and coordinates the Likrat project (“Likrat” being Hebrew for “Towards”) which involves training 15-16 year-old Jewish youngsters who then travel to schools where pupils are learning about Judaism or Israel in order to give talks and conduct discussions, on an equal footing, with non-Jewish teenagers of the same age. Through intercultural teaching, this project aims to prevent racism and anti-Semitism. The Jewish youngsters are given training to prepare them for the outreach work. The Likrat project, which receives support from the Confederation’s Service for Combating Racism among others, has been operating for over 12 years in German-speaking

<sup>83</sup> <http://www.romasintigenocide.eu/en/home>

<sup>84</sup> <http://www.romasintigenocide.eu/media/backgroundinformation/schweiz>

<sup>85</sup> The Swiss branch of the “Society for Threatened Peoples” considers that this information and these accounts, in particular with regard to the “Operation Children of the Highway”, should be documented in Swiss history books.

<sup>86</sup> On school projects against anti-Semitism which are supported by the Confederation, see Part Two, section B. 1.b above.

Switzerland where there have been more than 700 outreach sessions involving over 10 000 pupils. The scheme has just been successfully launched in the French-speaking part of Switzerland.

Similarly, every other year, the FSCI and the “Platform of Liberal Jews in Switzerland” (PJLS) organise a study visit to the Auschwitz Memorial for German-speaking teachers. This in-service training is carried out in co-operation with the University of Teacher Education Lucerne. The training consists of a one-day visit to Auschwitz, followed by a one-day training session in Lucerne for a didactic and pedagogical analysis. The FSCI is planning a study visit to Yad Vashem in 2017.

The “Inter-Community Co-ordination Forum against Anti-Semitism and Defamation” (CICAD) also carries out extensive educational activities, some of which are supported by the SLR. Since 2001, in partnership with the Departments of Public Education of the six French-speaking cantons, it has been organising an annual one-day study visit for pupils and teachers to Auschwitz-Birkenau, preceded by preparatory sessions with first-hand accounts from Holocaust survivors. Since 2013, CICAD has been organising training seminars on the history and the teaching of the Holocaust for teachers from the French-speaking part of Switzerland. These seminars are also an opportunity to address various subjects relating to anti-Semitism. So far, 250 teachers from the cantons of Geneva, Fribourg and Vaud have taken part; the next seminar will take place in the canton of Valais. In April 2017, CICAD will participate in the Geneva Book and Press Fair for the fourth consecutive year. CICAD also runs numerous workshops for schools to enable children and young people – from 4 to 18 years old – to combat stereotypes and prejudice. Of the 22 workshops run in 2016, the ones on “Drawing to overcome prejudice” and “The racial prejudice factory” deserve a special mention. CICAD also organises gatherings in schools during Anti-Racism Week to raise youth awareness of issues pertaining to anti-Semitism and conspiracy theories for which school playgrounds and social media can be a fertile breeding ground. CICAD has developed various teaching materials for schools, including a comic book entitled “Prejudice, the history of anti-Semitism through the ages” (2011/2016) and an educational film on deportation during the Holocaust (2016). CICAD is planning to conduct a survey of pupils and teachers in the canton of Geneva to assess the extent to which discriminatory prejudice has penetrated schools.

147. As regards school syllabuses, teaching about the Holocaust has been incorporated into the different curricula according to the linguistic region (Plan d'études romand, Lehrplan 21, Piano di studio della scuola dell'obbligo). Teaching about the Holocaust is now part of the general curriculum in teacher training colleges. Some university-led teacher training programmes, such as the ones in Lausanne and Lucerne, have trainers with specialist knowledge of these issues on their staff. In March 2016, the University of Teacher Education Lucerne held a seminar for lower and upper secondary school pupils and their teachers on the theme “Schule im Nationalsozialismus”. Likewise, in February 2016, in co-operation with the International Holocaust Remembrance Alliance (IHRA) and with the support

of the Federal Department of Foreign Affairs, it organised an international conference on research into teaching about the Holocaust.

In 2004, the Cantonal Ministers of Education decided to launch a “Holocaust Remembrance and Prevention of Crimes against Humanity Day” (27 January) in local schools. The manner in which the commemoration is organised is left to the cantons and Regional Conferences. An online page, created by the IDES information and documentation centre of the CDIP, gives useful references for cantons and enables them to communicate in a way that transcends cantonal and linguistic borders. Attention can thus be drawn to key innovations as regards teaching tools on this subject as well as to the main projects carried out in institutions (in particular teaching training colleges).

148. As mentioned above, in March 2017, Switzerland will take over the chairmanship of the International Holocaust Remembrance Alliance (IHRA), one of whose areas of activity is education linked to the Holocaust. The Swiss chairmanship intends to focus on education, youth and social media. Various events connected with teaching about the Holocaust will be held, including international seminars entitled “Teaching about and learning from the Holocaust” for teachers and teacher trainers from IHRA member states. The Swiss chairmanship is also planning to sponsor an app, exhibitions and publications for young people.

149. Raising awareness about social cohesion issues and promoting tolerance, including notably on social networks, is also part of the syllabus in Switzerland (Plan d'études romand, Lehrplan 21, Piano di studio). In addition, the cantons have incorporated various classes on religions and their history, including Judaism, in the curricula at lower and upper secondary level.

It should be noted in particular that, since 2015, the canton of Aargau has committed itself to promoting Jewish heritage through its “Kultur macht Schule” project, thus contributing to information campaigns on anti-Semitism. The inclusion of the Jewish cultural route in the “Kultur macht Schule” project enables pupils to discover history, municipal buildings and the story of cohabitation between the Jewish and Christian populations. At the end of the 18th century, the Aargau towns of Lengnau and Endingen were the only places in Switzerland where Jewish people had the right to settle. Having been expelled from the other federated towns, they fled to the Surbtal where, for nearly 300 years, they formed the hub of Jewish life in Switzerland. The Jewish cultural route makes this cultural heritage accessible.

#### **G. Difficulties encountered by Jewish pupils in state schools<sup>87</sup>**

150. In order to be able to fulfil their religious obligations (prohibition of any type of work), practising Jewish pupils and students request special leave for the Sabbath

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<sup>87</sup> These issues concern more the right to religious freedom as provided for by Articles 7 and 8 of the Framework Convention. In order to group together school-related issues, however, they are dealt with in connection with Article 12.

and Jewish holidays. In a decision rendered on 1 April 2008,<sup>88</sup> the Federal Court – the Swiss Supreme Court – stated that freedom of conscience and belief also covers the possibility of observing holidays and days of rest prescribed by a specific religion. In this particular case, the Court held that the interests of pupils who observed the obligation to rest on the Sabbath must take precedence over the public interest of organising Matura (school leaving) examinations for all pupils on a Saturday, even if these changes resulted in the schools incurring additional costs.

On 9 November 2006, the Secretary General of the CDIP spoke to the Swiss Conference of heads of Swiss upper secondary schools, asking them to remind their members that, where possible, allowance should be made for religious holidays in terms of how schools are organised.

151. While in the case of state schools, a dialogue and pragmatic solutions can often be put in place to ensure that practising children are able to comply with the rules of Judaism, Jewish communities say recent years have seen a hardening of positions, and less tolerance regarding special leave for religious reasons, with the result that children are being sent to private faith-based schools instead. This is particularly the case in cantons which strictly apply the principle of secularism, such as the canton of Geneva.

In the document entitled “Secularism in school” (“La laïcité à l’école”) which it published in August 2016, the canton of Geneva notes that school obligations must be balanced against the interests of pupils and their families. In keeping with the pupils’ and parents’ beliefs, therefore, the heads of state schools must grant individual special leave for the religious holidays of various faiths, as well as for the preparation of certain acts or rites covered by freedom of religion. Such leave, however, must be short and justified by valid reasons and must be taken outside examination periods. Where the tension between the school’s requirements and private needs cannot be resolved and where, despite the fact that leave has been refused, a pupil misses an examination, he/she will be awarded a mark of 1 (out of 6). The same applies to other types of leave (for family, sport, artistic or other reasons).

Other examples of cantonal regulation in this area include the following (although no specific problems have been reported in relation to the practices of these cantons):

In the canton of Basle-City, the guidance on how to deal with religious matters in schools (“*Umgang mit religiösen Fragen an der Schule*”) specifies the following in the section on absences: a child’s or adolescent’s absence during religious holidays is considered justified. The reasons for pupils’ absence on those days may be given in an explanation, to be furnished at the beginning of the school year. Pupils are expected to catch up on their studies either before the period of absence or afterwards. No leave may be taken during entrance examinations (e.g. for secondary school or sixth-form college) or final examinations (for example, *Matura*/school

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<sup>88</sup> ATF 134 I 114. See Appendix.

leaving certificate). Schools will take into account the main holidays of the different religions when setting the dates of examinations.

The canton of Thurgau has similar rules: leave for the most important religious holidays is granted on request (there is no general exemption), except as regards entrance examinations, it being understood that when setting the dates of examinations, state schools will take into account the religious holidays of the largest religious communities.

152. Generally speaking, Jewish pupils attending state schools do not encounter any difficulties regarding their manner of dress, in particular the wearing of the kippah. Mention should, however, be made of an initiative by the UDC political party tabled on 22 February 2016 in the canton of Valais, calling for the prohibition of any kind of headgear in state schools.

## ARTICLE 14

1. *The parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.*
2. *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.*
3. *Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.*

## A. The teaching of Italian outside Italian-speaking Switzerland

In its 3rd Opinion of 5 March 2013 on Switzerland, the Advisory Committee invited *“the authorities to identify, by any appropriate means, the language course needs of persons belonging to the Italian linguistic minority in order to meet their needs more efficiently particularly outside the traditional areas of the use of Italian”*.

153. In 2011, the government of the canton of St. Gallen, citing financial reasons, suggested **abolishing Italian as a Matura subject** (school leaving certificate). In Italian-speaking Switzerland, the proposal was met with indignation and alarm. The “Association of Swiss Italian Teachers” (ASPI) rallied together and launched an online petition (which attracted more than 4 000 signatures) against the plan, fearing that other cantons would follow suit. The Parliament of the canton of St. Gallen, however, did not act on the government’s proposal and Italian continues to be taught in the canton’s secondary schools and to be offered as a main subject.

Also in 2011, the government of the canton of Obwalden announced its decision to abolish Italian as a “specific option” at the cantonal high school of Sarnen as of the 2012-2013 school year, although it would still be offered as an elective. Following this decision, various opponents rallied together (Ticino Deputation to the Federal Chambers, the Ticino Department of Education and Culture, “Pro Grigioni Italiano”, ASPI, the Socialist Group in the Parliament of Obwalden, etc.) and a petition was launched. The canton of Obwalden did not go back on its decision, however, and Italian has not been available as a “specific option” since the 2012-2013 school year.

154. In order to deal with these problems, a working group of the Swiss Commission on the Matura was set up to examine the barriers to teaching Italian and explore possible solutions which would then be put to the cantons. The working group prepared a report which found that existing provision and the attractiveness of learning Italian were less than optimal in all secondary schools, often due to the number of pupils and for economic reasons. This report was discussed within the relevant political bodies (Federal Department of Economic Affairs, Education and Research (DEFER) and the Swiss Conference of Cantonal Ministers of Education (CDIP)).



Following this report, in March 2015 the CDIP adopted recommendations on promoting Italian in secondary schools. The CDIP formally recommended that the cantons offer every secondary school pupil the possibility of choosing Italian as a Matura subject. Should that not be practicable, owing, for example, to the insufficient number of students, cantons are invited to provide classes in co-operation with other schools (in the same canton or elsewhere). Other recommendations invite cantons to promote Italian through immersion (for example, by teaching a non-language subject in Italian) or through exchanges with Italian-speaking regions. In addition, cantons have been urged to make use of the financial assistance available from the Confederation, under the Federal Law on Languages, by submitting innovative projects aimed at increasing the use of Italian in secondary schools. The implementation of these recommendations will be assessed in 2020.

155. It was in the light of these recent developments that the Federal Council, in its Culture Message 2016-2020, decided to take practical steps to improve the status of Italian outside the Italian-speaking part of Switzerland (see under Article 5, section D, paragraph 85 above).

156. Some examples of cantonal good practice regarding the teaching of Italian:

Since the start of the 2016 school year, in order to comply with the CDIP's recommendation concerning the promotion of Italian in Swiss secondary schools, the canton of Vaud has been offering a long-term bilingual French-Italian Matura in Lugano in partnership with the canton of Ticino. As in the case of other bilingual Matura courses, pupils are not charged any additional school fees, school materials are subsidised and grants awarded by the canton where necessary.

In the canton of Bern: under the curriculum which is to come into force in summer 2017 for upper secondary general education, Italian is to be taught in all secondary schools either as a main subject or as a "specific option" (one school will implement the decision a little later for organisational reasons). In order to make learning Italian more appealing, students who have opted for this language as a main subject or a "specific option" are eligible for a bilingual Matura which includes Italian. As appropriate, they will spend their third year of upper secondary school in a school in Ticino and in their fourth year they will study the arts in Italian.

In the canton of Geneva, while the repeated offer of a bilingual Italian-French Matura has so far generated little or no interest among upper secondary pupils in Geneva, around 50 lower secondary pupils took up the offer of studying Italian as an optional subject when it was introduced in 2015-2016. It was offered again in 2016-2017.

In the canton of Uri, which already offers Italian in primary school (instead of French), Italian is an optional subject at the higher level. In order to address the lack

of enrolments for Italian classes, for the 2014-2015 year the municipalities launched “Wahlfach Italienisch auf der Oberstufe” (Italian as an option at the higher level), an inter-municipal scheme that includes exchanges with a partner class in Ticino.

In several cantons (for example, Fribourg, Solothurn and St. Gallen,) Italian is offered as an option (Wahlfach) at lower secondary level.

The canton of Ticino notes that the number of school exchanges between the different linguistic regions is on the rise. A similar tendency has been observed in Ticino, particularly as regards exchanges organised within the framework of compulsory schooling. The increase is particularly noticeable in the case of letter and email contacts and class exchanges. At upper secondary school level, the number of exchanges has remained stable. On an individual level, many exchanges take place under partnerships between sixth-form colleges in the different linguistic regions. In this regard, the canton of Ticino mentions the noteworthy and substantial contribution made by the project entitled “*+identità: settimana della Svizzera italiana*”. Devised by the Università della Svizzera italiana (USI) and supported by the cantonal Department of Education, Culture and Sport (DECS), it aims to promote the Italian region of Switzerland in secondary schools in other Swiss cantons through exchanges between classes in Ticino and those in the French-speaking and German-speaking regions.

The number of class exchanges for the 2014-2015 school year was as follows:

- Primary school: 4 classes, representing a total of 76 pupils
- Lower secondary school: 10 classes, representing a total of 153 pupils
- Upper secondary school: 4 classes, representing a total of 75 pupils

On top of this, there were also 92 individual exchanges.

Efforts to develop exchanges between classes in Ticino and their French-speaking and German-speaking counterparts are ongoing.

Since 2016, Italian and the Italian region of Switzerland have also been promoted by organising week-long events that combine Italian classes with sports activities. Participation in these events, which are held at the Tenero Sports Centre, can be on an individual basis during the summer or autumn holidays or through school trips during the school year.

## **B. The teaching of Romansh**

In its 3<sup>rd</sup> Opinion of 5 March 2013 on Switzerland, the Advisory Committee invited the authorities to ensure that the “*decision on the standardization of the Romansh language is taken and implemented in close consultation with representatives of the different views within the Romansh speaking minority. Moreover, the authorities should ensure that mergers of municipalities do not restrict facilities for teaching in this language.*”

## 1. Rumantsch Grischun in school

157. For information,<sup>89</sup> in 2003, the Parliament of the Canton of Graubünden decided by a vote that in future, all school textbooks in Romansh would be published only in Rumantsch Grischun and no longer in the idioms. The measure was designed to reduce the cost of teaching and to establish Rumantsch Grischun as the “lingua franca” of the Romansh-speaking population. Subsequently, several pilot municipalities began adopting Rumantsch Grischun as a language of literacy. Various groups, however, spoke out against the move, arguing, for example, that the language used in school was not the one spoken by parents at home. They feared that the measure would backfire and that, instead of promoting and strengthening Romansh, the standard language would merely hasten its demise as the language being taught to children was not used in everyday life and was only a written language. The campaign against the move was led by the “Pro Idioms”<sup>90</sup> movement which attracted considerable support, in particular in Surselva and Engadine where more than 4 500 people joined. In response, another movement - “Prorumantsch”<sup>91</sup> - emerged, which was in favour of adopting Rumantsch Grischun as a language of literacy and the 2003 decision. The affair attracted extensive media coverage at national level.

At the end of 2011, the Parliament of Graubünden reduced the scope of the 2003 measure: schools where Rumantsch Grischun is the language of literacy may also use an idiom in a passive manner and those which teach in an idiom may do likewise with Rumantsch Grischun. This means that teaching materials can also be published in all the Romansh idioms and no longer have to be published in Rumantsch Grischun only. The provision of all or some teaching materials in the relevant language is not a right, however. Material in Romansh is produced according to tradition and the financial resources budgeted for by the Grand Council.

According to a decision adopted by the cantonal government on 5 December 2011, moreover, children who started their schooling in Rumantsch Grischun must finish it in that language and not in the local idiom.<sup>92</sup> Some parents challenged this decision by the cantonal government before the Cantonal Administrative Court and subsequently the Federal Supreme Court. In a judgment delivered on 12 July 2013,<sup>93</sup> the Swiss Federal Supreme Court rejected the appeal against the Graubünden government’s decision of December 2011. Individual freedom of language guarantees the right to speak the language of one’s choosing, but freedom of language is also limited by the principles of official languages and territoriality and does not confer the right to be schooled in the mother tongue of choice. Teaching is carried out in the language determined by the cantons and municipalities in

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<sup>89</sup> See the third report, under Article 14, sections 3 and 4.

<sup>90</sup> [www.proidioms.ch](http://www.proidioms.ch)

<sup>91</sup> [www.prorumantsch.ch](http://www.prorumantsch.ch)

<sup>92</sup> See Article 32 of the School Act (*Schulgesetz*), which came into force on 1 August 2013, according to which: “if a municipality decides to change the school language from Rumantsch Grischun to an idiom, or vice versa, such change shall apply to all schooling”.

<sup>93</sup> ATF 139 I 229. See appendix.

accordance with the principles laid down in Article 70, paragraph 2, of the Federal Constitution. The right of autochthonous linguistic minorities enshrined in the Constitution has been observed insofar as teaching is, in this case, provided in Romansh, regardless of whether it is Rumantsch Grischun or another Romansh idiom. Nor is the decision of the government of Graubünden in breach of the European Charter for Regional or Minority Languages as its provisions have been sufficiently taken into account.

## **2. The provision of education in Romansh**

158. Since 2013, there have been no further changes in the school language in the canton of Graubünden.

159. As regards the provision of education in Romansh in the canton of Graubünden, the mergers of municipalities can be subdivided into three categories:

- a) mergers of two or more Romansh-speaking municipalities;
- b) mergers of two or more German-speaking and Romansh-speaking municipalities in which teaching in each language is provided in different schools;
- c) mergers of two or more German-speaking and Romansh-speaking municipalities in which teaching in the two languages is provided in the same schools and where Romansh-speaking pupils are in the minority.

The first two types of mergers have no bearing on the provision of education in Romansh. Pupils are taught in Romansh.

Mergers which fall into category c) do affect the provision of education in Romansh. Pupils in these municipalities study most of the subjects according to the Romansh-medium curriculum. For some subjects, such as music, the language of instruction is German for economic and organisational reasons. Also, the German-speaking learning environment (for example, the playground and school activities) may hamper progress in the school language.

160. It should be noted that the canton of Basle-City supports an optional Romansh language and culture class for children with Romansh-speaking parents. The class, which brings together pupils from all the primary schools, is divided into two lessons given on Saturday mornings and receives half of its funding from the canton and the other half from the parents' association.

The canton of Zurich is currently introducing a language and culture of origin (LCO) class in Romansh.

## ARTICLE 15

*The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.*

Other recommendations contained in the 3rd Committee of Ministers Resolution included the following: “[...] *Mechanisms for effective consultations [of Travellers] at inter-cantonal level and in all cantons should be created and implemented*”.

### A. Participation mechanisms for Yenish, Sinti/Manouches and Roma

161. The working group on “improving conditions for the nomadic way of life and promoting the culture of the Yenish, Sinti and Roma in Switzerland” is made up of equal numbers of representatives of minority organisations and government officials and thus meets the organisations' requirement that they be represented to the same extent as the authorities, so that they can defend their interests in the working group. Twelve Yenish, Sinti/Manouche and Roma organisations<sup>94</sup> took part in approximately 10 sessions. The representatives of each of these organisations received a fixed sum to cover their travel and other expenses.

The working group brought together the relevant federal offices (Federal Department of Culture (OFC), Directorate of Public International Law (DDIP), Federal Roads Office (OFROU), Armasuisse, Federal Office for Spatial Planning (ARE), Service for Combating Racism (SLR), the cantons represented by the cantonal conferences (DTAP, CCDJP, CDAS, CDIP, Swiss Conference of Cantonal Planning (COSAC)), as well as the Union of Swiss Towns and the Association of Swiss Municipalities. Cantons which were particularly involved in certain areas were also represented by experts, namely Aargau and Bern for the issue of stopping places and short-stay areas and Bern for the matter of schooling for children from families with an itinerant way of life. Some NGOs such as the “Society for Threatened Peoples” and Caritas were also involved in the process.

162. As regards stopping places and other sites, the working group discussed the need for each canton to appoint a contact person for issues regarding Travellers or even, in the case of larger cantons, to have a dedicated department. The aim would be to facilitate direct contacts between the cantonal and municipal authorities and the relevant groups (see also under Article 6, section A.1 above).

163. Until 2013, “Travellers” were represented on the Federal Commission against Racism (CFR) which was set up in 1995. A sedentary Yenish representative has been serving on this body since 2014. On 25 November 2015, the Federal Council amended the decision instituting the CFR. In point 4 of the revised text, the Federal Council specifies that the CFR shall in future consist of 16 members, thereby enabling

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<sup>94</sup> These are organisations which were also consulted regarding this report and which are mentioned above under Introduction, section A, paragraphs 6 and 7.

the Roma to be represented separately. Such expertise is considered essential given the specific discrimination issues faced by the Roma.

164. The “A Future for Swiss Travellers” foundation has responded to repeated calls for equal representation on its governing body: from 2017, six minority representatives and six representatives of the authorities will sit on the board. In the past, there were only five Yenish and Sinti/Manouches representatives.

165. While the Yenish and Sinti/Manouches are already members of the Swiss support group for the International Holocaust Remembrance Alliance IHRA, through “Radgenossenschaft der Landstrasse”, the Swiss Roma have also had a representative on this body since 2015 through the “Roma Foundation”.